



ROLE OF CENTRAL VIGILANCE COMMISSION IN CURBING CORRUPTION IN PUBLIC SERVICE

DISSERTATION

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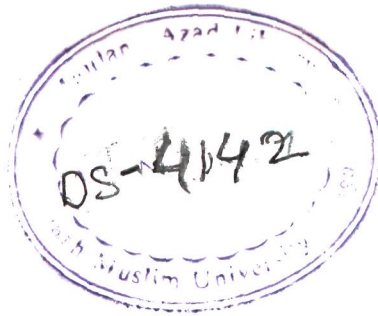
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Certificate

This is to certify that this Study entitled ***“Role of Central Vigilance Commission in Curbing Corruption in Public Service”***, carried out by ***Miss Khan Kehkashan Latif*** in the Department of Political Science, Aligarh Muslim University, Aligarh, is to the best of my knowledge an original work and is quite suitable for the submission for the award of the degree of **Master of Philosophy in Public Administration**.


(Dr. S. Waseem Ahmad)

Supervisor

Dedicated
To
My Parents

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ABBREVIATION

AVD	Administrative Vigilance Division
AIR	All Indian Radio
CVC	Central Vigilance Commission
CVD	Central Vigilance Division
CVO	Chief Vigilance Officer
CBI	Central Bureau of Investigation
CDIs	Commissioner for Departmental Inquiries
CTE	Chief Technical Examiners
CrPC	Criminal Procedure Code
CEO	Chief Executive Officer
CMD's	Chairman Cum Managing Director
CPWD	Central Public Work Department
CMD	Chief Managing Director
CE	Chief Engineer
COS	Chief Office Superintendent
CCS	Central Civil Service
CCA	Classification, Central and Appeal Rules
CTEO	Chief Technical Examiners Organization
DSPE	Delhi Special Police Establishment
DOPT	Department of Personnel and Training

DEN	Divisional Engineer
DFM	Deputy Finance Manager
DDG	Deputy Director General
DA	Disciplinary Authority
DTC	Delhi Transport Corporation
DD	Doordarshan
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GP-A	Group A
GM	General Manager
GIC	General Insurance Corporation
GAIL	Gas Authority of India Limited
GNCTD	Government of National Capital Territory of Delhi
IIPA	Indian Institute of Public Administration
LIC	Life Insurance Corporation of India
MHA	Ministry of Home Affairs
M.P	Member of Parliament
M.L.A.	Member of Legislative Assembly
M/o	Ministry of
NABARD	National Bank for Agriculture and Rural Development
NGO	Non-Governmental Organization

OSD	Officer on Special Duty
PSU	Public Sector Unit
POCA	Prevention of Corruption Act.
PM	Prime Minister
PDS	Public Distribution System
PC	Prevention of Corruption
RDX	Research Department Explosive (Cyclotrim-ethylin Trinate)
RB	Railway Board
RTI	Right to Information
RBI	Reserve Bank of India
SPE	Special Police Establishment
SP	Superintendent of Police
SIDBI	Small Industry Development Bank of India
SJVNL	Satluj Jal Vidut Nigam Limited
TI	Transparency International
TC	Tender Committee
TAA	Tender Accepting Authority
UPSC	Union Public Service Commission
VAC	Vigilance Advisory Council
WSD	War and Supply Department

Introduction

The present study is an attempt to find out the role of Central Vigilance Commission (CVC) in combating corruption in public services. Corruption is a major issues specially in Asian and African countries.

According to the Transparency International which is a non governmental organization (based in Berlin), publishes annually, the corruption perception index of countries. In 2007 India is ranked at 72 out of 180 countries, Denmark, Finland and New Zealand are perceived to be the world's least corrupt countries, Somalia and Myanmar are perceived to be the most corrupt countries. Corruption has been defined as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among the countries public officials and politicians.

The Central Vigilance Commission came into existence in 1964. It is a statutory body. This is an apex body for ensuring probity and integrity in public services by way of rendering impartial and objective advice on vigilance cases to various Ministries, Departments, Public Sector Units (PSU) and autonomous bodies, getting government grants.

The Central Vigilance Commission plays an important role in trying to check corruption so far as the Government of India organizations are concerned.

The commission, therefore has been looking at the issue of not only individual cases but also how systems can be modified and rules and procedures can be amended to check corruption. Nittoor Shrinivasa Ram, was appointed as the first Chief Vigilance Commissioner of India. Presently Pratish Sinha is working as a Central Vigilance Commissioner of India.

Anti Corruption Machinery in India

The fight against corruption in India began in 1941 when the British colonial government created the Delhi Special Police Establishment (DSPE) to investigate cases of bribery and corruption in transactions involving the War and Supply Departments (WSD). In 1943, the government issued ordinance No. XXII which empowered the Delhi Special Police Establishment officer's to investigate corruption cases involving central government departments in India. This ordinance has lapsed on 30 September 1946 and was replaced by the Delhi Special Police Establishment Act 1946, which transferred control of the Delhi Special Police Establishment to the Home Department (now known as the Ministry of Home Affairs). In March 1947, the Prevention of Corruption Act (POCA) incorporated relevant section of the Indian Penal Code and become a law. In 1949, the Government formed a committee chaired by Baksi Tek Chand to review interalia, the operation of the Prevention of Corruption Act,

1947 and to assess the Delhi Special Police Establishment effectiveness in combating corruption. In 1952, the Chand Committee recommended that the Delhi special Police Establishment activities should be expanded. Accordingly an enforcement Wing was added to the Delhi Special Police Establishment in 1953 to handle offenses involving violation of import and export regulations at Bombay, Calcutta and Madras. In 1955, an Administrative Vigilance Division (AVD) was formed within the Ministry of Home Affairs to coordinate anti-corruption measures within the central government.

In June 1962, a Committee on the Prevention of corruption was appointed under the chairmanship of K. Santhanam. The purpose of the Santhanam Committee was to review the existing instruments for checking corruption in the Central Services and to provide advice on the practical steps that should be taken to make anti corruption measures more effective. The Santhanam Report had far reaching consequences as it first recommended the formation of a Central Vigilance Commission, which has the power to investigate any complaint or suspicion of improper behaviour against a civil servant. Secondly, a Chief Vigilance Officer (CVO) was appointed in each ministry or department to supervise its Vigilance Staff. Finally, the Santhanam Report recommended the amendment of Prevention of Corruption Act of 1947 to include the provision that the possession

by a public servant of assets disproportionate to income and for which a satisfactory explanation could not be made, was itself a criminal misconduct.

The Central Bureau of Investigation (CBI) was set up in 1963 by a resolution of the Minister of Home Affairs. Presently it is under the Ministry of Personnel and enjoys the status of attached office. The Special Police Establishment (SPE) set up in 1941 was also merged with the Central Bureau of Investigation. The Central Bureau of Investigation is the main investigating agency of the Central Government. It plays an important role in preventing corruption and maintaining integrity in administration. It also provides assistance to the Central Vigilance Division (CVD).

Problem of Corruption

Problem of corruption has been found even in ancient time. Corruption has always been found in every country in one form or other. The level of corruption varies from country to country. The second world war had brought the evil of corruption in India. It become wide spread in public life/public services, and it further intensified after the independence when development planning started at large scale.

Now it is commonly believe that no work, small or big can be done without paying bribe to someone in all government offices.

Common men faces corruption at every level and everywhere in his life. It may be Police, Municipal Authorities, Educational Institutions like Schools & Colleges. Corruption has become a way of life in our country. The Nazarana / Gifts, tradition/culture has been accepted at large in our society. Eid, Diwali or New Year, birthdays and marriage celebration, people give expensive gifts and these are accepted willingly. These are advance payment for future work. This infact, is the most widely accepted form of giving money to get favour at works.

The corruption has spread over every aspect of public Administration in India ranging from Bofor's case involving former Prime Minister (PM) Rajeev Gandhi, Lakhubhai Patel case involving former Prime Minister P.V. Narshimha Rao, Hinduja brother to Hawala Scandal involving number of ministers political leaders and businessman Harshad Mehta case to the Telgi scam amounting about 33,000 crore of fake stamp selling involving a large number of police officers, politicians, officials of government printing Press of Nasik.

Corruption is anti-poor, anti-economic and anti-national. Corruption in India retard the economic progress of our country. India have vast natural resources its manpower resources are rated as one of the best in the world. But corruption at several levels of the government and public services make our country poor. The evil of

corruption literally snatches away the food from the mouth of the poor people. Public distribution system (PDS) is meant for the poor. But large amount of food grains, sugar meant for Public distribution system, disappeared in the black market. Corruption decrease the capacity of the government to provide basic public service delivery.

Objectives of the Study

1. To analyse the genesis of Central Vigilance Commission and its present working.
2. To find out the types, causes and consequences of corruption.
3. To discuss the efficacy of Central Vigilance Commission in combating corruption.
4. To suggest measures to improve the functioning of Central Vigilance Commission

Methodology

The study follows a descriptive approach for understanding the role of Central Vigilance Commission in curbing corruption in Indian Public Services. The study is descriptive because it throw light on the composition, power, functions and efficacy of Central Vigilance Commission in combating corruption it also suggest some measures to fight corruption. In this both primary and secondary source are used. Effort has been made to rely on the primary source like Annual

Reports of Central Vigilance Commission. Secondary source include material from internet, libraries of Maulana Azad Aligarh, Sapru House New Delhi, Indian Institute of Public Administration New Delhi (IIPA), Jawahar Lal University New Delhi.

Chapterization

The first chapter explain the term corruption from various perspective. It also discussed the different types of corruption and then detailed analysis has been made to find out the causes of corruption in Public Services in India. And also the consequences of corruption have been explained in this chapter.

Chapter-2

The second chapter highlight the genesis of Central Vigilance Commission as an apex body in the country, looking into the matter of integrity and probity in public and its present working has been discussed and analyzed.

Chapter 3

The third chapter tries to find out find out the efficacy of Central Vigilance Commission in fighting corruption in Indian public services. How far it's able to achieve its aim and objectives in curbing corruption from public life.

Chapter-4

The fourth chapter deals with some measures and also suggestion to strengthen the Central Vigilance Commission by making commission. First stage advise in vigilance cases, mandatory to be implemented by all organizations of the Government of India.

Chapter- 1
Corruption

All over the world corruption is a major problem. Corruption is recognized as threatening the rule of law, democracy and human rights, undermining good governance and hindering economic development. The most common definition used by the world bank, is abuse of Public office for private gain.¹

Etymologically, the word corruption comes from the latin words corruptus (to break). It literally means broken object the thing that is broken might be moral, a social norm or an administrative rule.² Oxford Dictionary defines Corruption as the perversion of destruction of integrity or fidelity in the discharge of Public duties by bribery or favour.³

“The Section 161 of the Indian penal code defines ‘Corruption’ in legal terms as under.

Whoever being or expecting to be public servant accepts or obtains, or agrees to accept, or attempts to obtain from any person for himself or for any other person any gratification whatever other than legal remuneration as a motive or reward, for doing or for bearing to do any official act, or for showing, or to show in the exercise of his official function, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the central or any State Government or Parliament or legislature of any state or with any public servant as such, shall be punished with

imprisonment of either description for a term which may extend to three years, or with fine or with both”⁴.

The most widely accepted definition of corruption is the use of public power for private profit in a way that constitutes breach of law and as dishonesty and illegal behaviour in position of authority and power⁵.

The Santhanam Committee said “Any action or failure to take action in the performance of duty by government servant for some advantage is corruption”⁶.

In general terms corruption is a deliberate and intentional exploitation of ones position, status or resources directly or indirectly for personal aggrandizement whether it be in terms of material gain or enhancement of power prestige or influence beyond what is legitimate or sanctioned by commonly accepted norms to the detriment of the interests of other persons or the community as a whole. Corrupt is known are those who are morally depraved, suspect, unreliable influenced by illegal means etc.

GENESIS OF CORRUPTION

Corruptions occurs through out the world. It has always existed in human society in one form or the other Kautilya in his Book-‘Arthashastra’ refers to the various forms of corruption. Kautilya identifies forty different types of embezzlement including

Bribery, Graft, Favoritism, Frauds, Manipulation of prices of commodities, theft in different department of the government, inflation in the salaries etc⁷. This shows that corruption was present in his time otherwise he could not have given thought to this idea.

In a treatise on public administration 'Arthashastra' dating back to 4th century B.C. in India, Kautilya writes.

“Just as it is impossible not to taste the honey (or the poison) that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, atleast, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves)”⁸

In medieval India, corruption was rife during the sultanate and Mughal periods. Bakhsish as a practice of rewarding government employees even for routine tasks and favours legitimized corruption in the Mughal Era.

During the rule of East India company a body of British traders-exploited India and Brought India on the verge of bankruptcy. British monarchy tried to build up a good administrative machinery in India. But some of the department viz. Police, Revenue and Excise which were vested with large discretionary powers were susceptible

to corruption. The lower level of judiciary also is said to be corrupt to the core.

Before second world war, corruption was confined to the lower strata of administrators. The second world war breeds conditions which make money making easy. The possession of license became a thing of high value and dishonest and unscrupulous persons did not hesitate to offer bribes.⁹

With the dawn of Independence, India change from a police state to welfare state. As such activities of the government got multiplied. The officials were entrusted new and unfamiliar tasks. This resulted in the emergence of new regulations, controls, license and permits which provides lots of opportunities for corruption. Things became worse when democratically elected representative became corrupt. Thus corruption reached the climax soon after the independence.

Substantive law which deals with corruption in India is the prevention of corruption Act, 1988. This applies to all categories of public servants assigned with public duty.¹⁰

TYPES OF CORRUPTION

“Corruption can be classified into 3 categories (a). Coercive, (b). Collusive, (c). Non Conjective ”¹¹

1. COLLUSIVE CORRUPTION

In collusive corruption the corruptees are active participants and use corruption as an instrument of inducing the wrong gesture of action or inaction on the part of authorities, deriving benefits greater than the cost of corruption for themselves. The corruptees stand to benefit either in monetary terms directly or in terms of economizing time or effort, as by jumping the queue or by obtaining undue attention or avoiding problem that others face because of their incapacity or unwillingness to resort to similar methods.

In all contracts of construction, purchase, sales, and other regular business on behalf of the government, a regular percentage is paid by the parties to the transaction, and this is shared in agreed proportions among the various officials concerned. In all cases failure to pay the percentage results invariably in difficulty and delay in getting the bills paid.¹²

There is a second variant of collusive corruption too. This involves the role of interpersonal relations or more specifically, relations of loyalty, where there is no immediate transaction involved. Favours done for reasons of caste, religion or even regional consideration in the hope of retaining ones social position or support may be put in this category. Collusive corruption prevails in several

departments, particularly these connected with collection of taxes or issue of permit and licenses.

Corruption that involves as a strategy of maximizing gains or minimizing losses from viewpoint of the corruptee and that simultaneously adds to the power of the corrupt in authority is quite wide spread in India.

The involvement of some high public personalities in such corrupt exchange has become a subject of special investigation. Few examples of this kind of corruption are Bank securities scam where in, as the Janakiraman committee Report pointed out, some high officials, including Directors of certain Public Sector Banks, were involved in helping one Harshad Mehta out of their way and in disregard to rules and the stamp paper scam in which a native of Belgaum in Karnatak, Abdul Karim Telgi is suspected to be kingpin of the racket involving printing and circulating duplicate stamps and stamp papers and in this fraudulent operation, Senior policemen, officials of Nasik printing press, and politicians of number of states are suspected to have helped him in expending his multi-crore business.

2. COERCIVE CORRUPTION

Coercive corruption is one sided victimizing corruption, forced upon the corruptee by those in authority. Coercion is effected by

them not necessarily through physical violence (though this is not absent from several situation) mental torture through threats of punishment, often for wrong reasons, is also important. Both these situations especially are characteristic of those structures of authority which possess the capacity to execute coercion, as for instance the police. Equally important to coercive corruption is the tactic of inaction and non response to the plea for action. It is often complained that government files do not move till a fixed payment is made. Both inaction and undue action belonging to the terrains beyond the rights of authority in that sense, constitute the tactics of coercive corruption.

3. NON CONJUNCTIVE CORRUPTION:-

Both coercive and collusive corruption involves the conjunction of actors in state and society, the non-conjunctive corruption does not even involve a transaction between those in authority and those outside it. In this individual in authority exercises the power vested in it to favour himself as a private person, as for instance, by assigning contracts to himself, making false claims or acquiring goods or wages to be offered to others under some programmes for himself though in the name of the former. It occurs mainly in departments which have to deliver goods or money to the people. In Department of Telecommunication 27 percent of vigilance cases

handled in 1984-85 involved misappropriation of government stores materials.

Pilfering of materials and store items by inserting false entries in the register, claiming wages of labourers by entering fictitious names in the muster roll, wrongfully pocketing the wages of labourers meant for disbursement etc. were the main types of malpractices in this area.

In the case of non conjunctive, it is noteworthy that the benefits obtained by the corrupt are obtained at the cost of some, yet the victims are not aware of their victimization. They suffer as a group or as a part of the general public and yet they cannot be identified as individual victims of specific acts of corruption. They lose a deal even before they identify themselves as potential beneficiaries. The benefits are already appropriated by the corrupt in power.

CAUSES OF CORRUPTION:

1. Historical:

Corruption in all the developing democracies of Asia is a relic of the colonial past. The erstwhile rulers reserved all the top posts for their own nationals where as low posts were given to the subject nationals. As a result the latter developed tendency of exploiting the people to lead a comfortable and more enjoyable life like their bosses whose way of living made them envious. The scarcities caused due to

World War II resulted in the spread of virus of bribery and corruption among all ranks of civil services. After the attainment of independence, the National Government of these countries undertook to race with the time for effecting economic development. Hence there arose the necessity of controls, permits and quotas. It opened the gates of black marketing. The Black money began to be unscrupulously displayed to win over the governmental officials. Thus a large scale racket of corruption became the order of the day.

2. Sociological:

Corruption is deeply rooted in our society where greatness of individuals and their families is judged by what they possess rather than by what they are. There was a time when socially corrupt persons were considered as a bad person. Such persons do not have any prestige. But today we have reached at such a stage that corruption is not only taken for granted but the capacity for making as much money as possible from one's position is welcomed. Today people indulge in acquiring wealth without caring for the means they adopt.

3. Economic:

The salaries paid to the officers are inadequate. The rising costs of living have brought down the income of various sections of the community particularly that of the salaried employees. An employee who can not afford to be a silent spectator to the ever

deteriorating economic standards, takes to accepting of illegal gratification to maintain his standard of living.

4. Environmental:

The fast Urbanization and industrialization have resulted in change of simplicity of primitive and medieval times has given place to ostentatious and luxurious life. The material possession, administrative status and economic powers are determinant of the status and prestige of a person in a society may it be a developed or developing. However in a developing society the environment are more amenable to corruption. The government of the developing democracies give less pay to their employees. On the other hand, enough black money is available with the industrialists. As a result the employees will be tempted to make use of money which is apt to flow to them on account of the service rendered by them.¹³

5. Political:

In a democratic country like India. Ministers at the central or state levels. Members of Parliament (M.Ps) and Members of Legislative Assembly (M.L.A's), Pradhan and Sarpanch at local bodies exert pressure on the officials at their respective levels and yet the illegal things done, even the judges are not safe from the overwhelming influence of the ruling party and it's top bosses. Those are committed to the ideology of the ruling party may seek promotions

and elevations to higher officer, the others not toeing it's line may be by passed or superseded.

6. Illiteracy:

Large number of people in our country are illiterate. They don't have any knowledge about their rights. The civil services being more enlightened take undue advantage of the general apathy, ignorance and indifference of the common man. They indulge in nefarious activities without fearing public wrath or mass denunciation. The public, in fact, is keen to shield such officers who are pinpricks for the government in developing democracies like India. People feel concerned only when they are individually going to be affected by the action of the officials.¹⁴

7. Procedural Causes:

The procedure of the Government even in respect of simple things like getting ration card or diesel permit are complicated. This gives a government employees big opportunity to exhort money from client. Red tapism and passing the buck have become the permanent features of Indian offices. Businessmens having lot of black money are prepared to pay the 'speed money' to get their work done • speedily.

8. Inefficient Anti Corruption Agencies:

Existing anti corruption agencies are totally inadequate to prevent higher level corruption. Legal cushions that have been

created in the form of procedures and laws by which a corrupt official can engage the best lawyers and find out his way of freedom.

9. Inadequate provisions and enforcement of the law.

The Indian Penal Code and Prevention of Corruption Act do not provide adequate framework for punishing the guilty officers. Moreover the administration of these laws leaves much to be desired. Not many prosecutions are launched out of the prosecutions launched not many are proved vigorously. This encourages the dishonest employees in continuing their corrupt practices.

10. Safeguards for public services:

According to the law of our land both the giver and receiver of bribes are held guilty. Hence, it is difficult to procure evidence against the guilty. The heads of the department, though aware of the crime of their subordinates, are not in a position to take action against them for want of adequate proof for their conviction. They are sometimes not even courageous enough to make adverse entries in the confidential reports of their subordinates fearing that they won't be able to substantiate them when challenged by the latter or get adequate support from their administrative bosses if the political bosses are out to support erring subordinate who earned bad report at their hands.¹⁵

11. Distorted Policy Measure:

Some corruption stems from opportunities generated by policy environment, at the bottom or at the top of the hierarchy. Any policy that creates an artificial gap between demand & supply creates a profitable opportunity for opportunistic middle men. Corruption occurs at the highest levels of government, in the awarding of major contracts, privatization, the allocation of import quotas, and the regulation of natural monopolies. Pay offs are frequent to lower level official charged with collecting tariffs, issuing permits etc.¹⁶

12. Flaw in Taxation Laws and System:

Frequent contacts between taxpayers and administrators due to difficult and unclear tax laws and non transparent and ineffectively monitored administrative procedures, there are lots of opportunities for corruption “India economy today is a standing monument to the corruption and inefficiency of four departments, Customs, Central Excise, Income tax and the Enforcement Directorate. It is the evasion of taxes and the failure of these departments to check illegal activities which have crystallised into black money, whose quantum has been estimated at between Rs. 40,000 crores and Rs. 100,000 crores.”¹⁷

13. Regulations and Authorizations

In developing countries like India licenses, permits and authorizations are required to engage in such activities like openings

a shop petrol pump, gas agency, engaging in foreign trade. All these authorizations and regulations give the officials who authorize or inspect these activities an opportunity to take bribe. Public official may be tempted to use their positions for private gain by accepting bribes for their work. Thus a necessary condition for corruption is that public officials have rewards and penalties at their disposal.

14. Low Risk and High Profit Business:

Public official and corrupt business class and other bribe givers perpetuate corruption mainly because the benefits of corruption are higher than the consequences of being caught and punished.

The conviction rate in our criminal courts is hardly 6 percent that means there is a 94 percent chance for every corrupt person to escape.¹⁸

15. A Defective Electoral System:

A defective electoral system which had led to an unholy alliance between the politicians and big businessmen. The parties raise funds for the election expenses from business houses in exchange for favours done or to be done in future. The problem aggravates along with the increase in the cost of election.

16. Lack of Strong Public Opinion against Corruption

The corrupt officials, even when they are known to be corrupt are often not looked down upon in the society. In fact they are often more respected than their honest counterparts because of their ability

to help and entertain their friends and relatives. Sometimes the corrupt politicians are re-elected to high offices by the people as a way of life and they do not complain against.¹⁹

17. Security of Tenure

To much security of tenure assured to bureaucracy in India. No civil servant shall be dismissed or removed by an authority subordinate to that by which he was appointed.

18. Attachment to Families:

If we go to the root of the corruption, we will find that it arises from the extreme attachment of people to their families. Nepotism is natural in this situation. In our society a person in office feels that he should earn enough not only for himself but also for his children, grand children and perhaps seven generations. This is the basic motive behind the enormous accumulation of wealth by the corrupt in our country today.

19. Dowry System:

One major social cause that promotes corruption is the dowry system. Every man wants to see that his daughter is married off well and there is continuous pressure to give dowry in daughter marriages. This is one of the reasons why one comes across cases where even public servants who have otherwise lived a clean life become vulnerable to corruption towards the end of their career.

CONSEQUENCES OF CORRUPTION:

1. Corruption is antinational:

The Mumbai blast of 1993 in which 300 people were died and lot of property was destroyed was the result of Research Department Explosives (RDX) being smuggled in by bribing customs officials.

The Hawala scam showed how the antinational Kashmiri militants were getting money from abroad through Hawala, the same route through which other sections of society, Politics, Business and Bureaucracy were also receiving money.

The Tehlelka.com expose on 13.3.2001, also dramatically highlighted the extent of corruption in politics, in defence deals. All these experience, showed that corruption is very-very dangerous for national security and is antinational.²⁰

2. Corruption is Anti- Economic Development:

Corruption reduces expenditure on health, education, public work like maintenance of roads, bridges, etc.

The Human Development Report for South Asia published by Mahbub-Ul-Haq Centre in Islamabad in the year 1999 says that if India's corruption level comes down to that of Scandinavian countries. India's Gross Domestic Product (GDP) will grow by 1.5 percent and the Foreign Direct Investment (FDI) will grow by 12 percent.

The collapse of South East Asian economies in mid 1997 is a disastrous consequences of corruption and crony capitalism. Leakages in the system leads to the poor quality of public works and infrastructure.

3. Corruption is antipoor:

“Rajiv Gandhi once observed that out of every rupee meant for the antipoverty programmes only 15 paise reached the beneficiary. Out of the 85 paise 40 paise can be accounted for as administrative over heads. The leakage of the remaining 45 paise is definitely due to corruption.”²¹

4. Corruption is Anti thesis of Good Governance

Corruption gives benefits to few people at the expense of many people by distorting public policy decision making. Corruption distorts many aspects of good governance such as rule of law and public sector management. Corruption undermines the legitimacy of political process resulting in break down of public trust in government.

5. Corruption in high places reduces the faith of common men in the government. The people expect high standard of morality from their rulers. When these standards are not met, it result in the breakdown of public trust in govt.

6. Corruption increase the effective cost of administration. The people who are in any case paying to the government for it's services

in the form of taxes are unofficially required to pay more to it's officers.

7. Corruption comes in the way of making decision on merits. When the decisions are made on the basis of pecuniary benefits to obtained from the transaction, the merit naturally gets the second place. There is even a possibility of sacrificing the nation for the sake of these benefits. This may, for example happen in case of purchase of substandard arms which may not be effective during a war.²²

Chapter-2

Central vigilance Commission

& it`s Working

During a debate in parliament in 1962, many members of parliament expressed concern on the growing menace of corruption in administration. In pursuance of the reply to the debate given by Shri Lal Bahadur Shastri, Honourable minister for Home Affairs, a committee was set up in order to review the existing instruments for checking corruption in central services and to advice practical steps that should be taken to make anti-corruption measures more effective. The committee came to be known as Santhanam Committee. Among other things, the Santhanam Committee noticed the conspicuous absence of a dynamic integration between the vigilance units in various Ministries and the administrative vigilance division in the ministries of Home Affairs. As a follow up of the recommendations made by the committee, the Central Vigilance Commission came into existence in 1964, as an apex body, through the Government of India Resolution of 11.2.1964. The said resolution inter alia provided that in the exercise of its power and functions the Central Vigilance Commission would not be subordinate to any Ministry, Department, though it was attached to the Ministry of Home Affairs and would have the same measures of independence and autonomy as the Union Public Service Commission.

In the wake of the directions of the Honourable supreme court in 1997 in the writ petition filed in public interest by Shri Vineet

Narain and others in the Hawala case, the government promulgate an ordinance in 1998. The ordinance of 1998 conferred statutory status to Central Vigilance Commission and the power to exercise superintendence over the functioning of the Delhi Special Police establishment, and also to review the progress of the investigations pertaining to the alleged offences under the prevention of corruption Act, 1988 conducted by them. The Bill introduced in the Lok Sabha in 1998 to replace the ordinance could not be passed. The Bill was reintroduced in 1999 and was referred to the joint committee of both the Houses of parliament. Pending passage of Central Vigilance Commission Bill, the commission discharges its functions under the Government of India Resolution dated April 4, 1999. After the bill was passed by both the houses of parliament and with the assent of the president, the Central Vigilance Commission Act 2003 has come into force with effect from 11.9.2003.²³

COMPOSITION

The single Member commission set up in 1964 has been made a multimember body in terms of the Central Vigilance Commission Act 2003, it consists of the Central Vigilance Commissioner and two Vigilance Commissioners as its members. The Central Vigilance Commissioner and Vigilance Commissioners shall be appointed by the president on the recommendations of a committee consisting of

- a) The Prime Minister – Chairperson
- b) The Minister of Home affairs – Member
- c) The leader of the opposition in the House of people – Member.

The Central Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of 65 years, which ever is earlier. The Central Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission. Every Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, which ever is earlier. Every Vigilance Commissioner on ceasing to hold the office shall be eligible for appointment as the Central Vigilance Commissioner.

REMOVAL OF CENTRAL VIGILANCE COMMISSIONER AND VIGILANCE COMMISSIONERS.

The Central Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by an order of the president on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the president, has on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed. The president may suspend from offices and if deem

necessary prohibit also from attending the office during enquiry, the central Vigilance Commissioner or any Vigilance Commissioner in respect of whom a reference has been made to the supreme court, until the president has passed orders on receipt of the report of the Supreme Court on such reference.

The president may by order remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be:

- a) is adjudged an insolvent;
- b) has been convicted of an offence which, in the opinion of the central government, involves, moral turpitude
- c) Engages during his term of office in any paid employment outside the duties of his office; or
- d) Is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body; or
- e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or Vigilance Commissioner.

If the Central Vigilance Commissioner or any vigilance commissioner is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the government of

India or participates in any way in the profit there of or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehavior.²⁴

STAFF COMPOSITION

The Central Vigilance Commission is assisted by a secretary of the rank of additional secretary to the Government of India; two additional secretaries of the rank of Joint Secretary to the Government of India and other staff which include nine officers of the rank of Director/ Deputy secretaries, an Officer on Special Duty (OSD) and four under Secretaries.

In addition, there are fourteen Commissioners for Departmental Inquiries (CDIs) who are nominated to conduct departmental inquiries relating to major penalty proceedings on behalf of the disciplinary authorities in serious and important disciplinary cases. In addition there is a technical wing attached to the Commission.

TECHNICAL WING / CHIEF TECHNICAL EXAMINERS UNIT

The technical wing of the commission is known as Chief Technical Examiners (CTE) Unit. This wing comprises of two chief technical examiners of the rank of chief engineer, who in turn are assisted by eight technical examiners of the rank of executive

engineer, six assistant technical examiners of the rank of assistant engineer and other subordinate staff.

Chief Technical Examiners unit is the technical wing of the commission, assists it in formulating its advice involving different technical aspects. This wing also undertakes intensive examination of major projects of the central government organisation. The Chief Technical Examiners unit of the commission is engaged in the examination of electrical works and civil works including Air-conditioning and Horticulture works, being executed by Ministry/ Departments of government of India ,banks and financial institutions cooperative bodies, central public sector undertakings etc, falling with in the jurisdiction of the Commission. The inspection of stores purchase contracts and works for computerization, etc, are also undertaken by Chief Technical Examiners unit.

CHIEF VIGILANCE OFFICERS

The Central Vigilance Officers are extended hands of the central vigilance commission. The Central Vigilance Officers (CVO) are considerably higher level officers who are appointed in each and every Organization/Department to assist the head of the Department / Organisation, in all vigilance matters. All Department /Organization, to which the advisory jurisdiction of the Commission extends has a vigilance unit headed by a Chief Vigilance Officer. The Central

Vigilance Officers constitutes an important link between the departments/ organizations and the Central Vigilance Commission.

The Central Vigilance Officers give advice to the organisation to establish effective systems and procedures and periodically monitor their compliance to minimize factors, which gives opportunity for corruption. The Central Vigilance Officers represent the commission in respect of vigilance matters particularly with reference to junior officers, who fall out side the jurisdiction of the commission. On the punitive side, the Central Vigilance Officers are required to ensure speedy processing of vigilance and disciplinary cases.²⁵

POWERS AND FUNCTIONS OF CENTRAL VIGILANCE COMMISSION

- To exercise superintendence over the functioning of the Delhi Special Police Establishment with respect to investigation under the Prevention of Corruption (PC) Act, 1988; or offence under Criminal Procedure Code (CrPC) for certain categories of public servants and to give directions to the Delhi Special Police Establishment for purpose of discharging this responsibility.

- To review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act.
- To undertake an inquiry or cause an inquiry or investigation to be made into any transaction in which a public servant working in any organisation, to which the executive control of the government of India extends, is suspected or alleged to have acted for an improper purpose or in a corrupt manner.
- To tender independent and impartial advice to the disciplinary and other authorities in disciplinary cases, involving vigilance angle at different stages i.e. investigation inquiry, appeal, review, etc.
- To exercise a general check and supervision over vigilance and anti-corruption work in ministries or departments of the government of India and other organizations to which the executive power of the union extends.
- The Central Government is mandated to consult the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to persons appointed to public services and posts in connection with the affairs of the union or to members of All India Services.

- Central Vigilance Commissioner is the chairperson and the Vigilance Commissioners are two of the members of the committee to recommend selection of director Central Bureau of Investigation, Director (Enforcement directorate). The committee concerned with the appointment of the Director Central Bureau of Investigation is also empowered to recommend, after consultation with the Director, appointment of officers to the posts of the level of Superintendent of Police (SP) and above in Delhi Special Police establishment and
- To undertake or cause an inquiry into complaints received under the public interest disclosures and protection of informer and recommend appropriate action.²⁶

JURISDICTION

The jurisdiction of the commission extends to all the organizations to which the executive power of the union extends. Section 8(1) (d) of Central Vigilance Commission Act restricts its jurisdiction with respect to the level of employees for inquiry into complaints to Group A level officers and such level of officers as may be notified by the central government. In its advisory role on such matters as may be referred to the Commission, there is no such restriction but for practical reasons, the Commission has been restricting this role to the same categories of employees, viz, the

‘Group A’ officers in central Government, All India officers and other officers of the public sector undertaking, autonomous organisation, local authorities, societies etc as notified by the Government.

COMMISSION’S JURISDICTION UNDER CENTRAL VIGILANCE COMMISSION ACT.

- Members of all Indian services serving in connection with the affairs of the Union and Group-A officers, of the central government.
- Board level appointees and other senior officers up to two grades below the board level, in the Public Sector Undertakings of the Central Government.
- Officers of the rank of scale V and above in public sector banks.
- Officers of the rank of assistant manager and above in the Insurance sector (four non life insurance companies in the public sector under General Insurance Corporation (GIC); and officers in grade ‘D’ and above in Reserve Bank of India (RBI), National Bank for Agriculture and Rural Development (NABARD) and Small Industry Development Bank of India (SIDBI) and managers and above in the general insurance companies and Senior Divisional Managers and above in Life Insurance Corporation of India (LIC).

- Officers drawing basic pay of Rs 8700/- per month and above in autonomous bodies/ local authorities or societies owned or controlled by the central government.

The Commission also have residuary powers to enquire into any individual case in respect of the employees other than those who are with in its normal advisory jurisdiction. In addition cases of difference of opinion between the Central Bureau of Investigation and the administrative authorities concerned, in respect of the employees who are not with in the normal jurisdiction of the Commission are also resolved by the Commission.²⁷

WORKING OF THE CENTRAL VIGILANCE COMMISSION

The Central Vigilance Commission is an advisory body. The Central Vigilance Commission gives impartial and objective advice to the disciplinary and other authorities in vigilance matters and vigilance related cases, in which a public servant is alleged to have acted for an improper purpose or in a corrupt manner in discharge of his official duties. The functioning of the commission ensures consistency and common standard of action for similar kinds of misconducts including criminal misconduct. Cases which have a definite or potential vigilance angle and an element of corruption or criminal misconduct or malafide are required to be referred to the

Commission. The Commission does not have a proper investigation wing of its own and is dependent on the Chief Vigilance Officer of respective organisation for the investigation of the complaints. The Commissions adhere to a strict time table in giving its advice in all vigilance cases and give stress that the organizations complete the disciplinary proceedings in a time bound manner prescribed by the Commission from time to time. The Commission tries to give its advice within four weeks and in the year 2006 more than 78 percent of its advice were tendered in three weeks of receipt of the cases. Only about 11 percent cases were delayed for more than four weeks.²⁸

COMPLAINTS

Complaints are an important source of information which expose misconducts and malpractices. It was observed in the past that a large number of complaints received in the Commission were either pseudonymous or anonymous in nature. The Commission, take no action on any anonymous or pseudonymous complaints. They must be filed. In order to encourage complainants possessing verifiable facts to come forward with information, the Commissions hide the identity of the complainants in case they have made a request for the same. A Commission has a separate confidential cell which deals with these complaints. In order to ensure proper screening, each complaint is registered and processed in the Commission in a prescribed

standardized format. A decision on the further course of action on the complaints is taken at appropriate senior level.

The complaints received in the Commission are scrutinized and, if they contain sufficient details to justify investigation, these are referred to the Chief Vigilance Officers of the concerned departments or the Central Bureau of Investigation for investigation and report depending upon the nature of allegations.

If the Commission received complaints against public servants those who are not within the normal advisory jurisdiction of the Commission. Then such complaints are forwarded to the administrative authorities concerned for appropriate action at their end.

VIGILANCE CASE

The complaints received by the departments / organizations are scrutinized by the Concerned Chief Vigilance Officers to find out whether the allegations deserve investigation. If the complaint is against a public servant who falls within the advisory jurisdiction of the Commission and the administrative authorities decided to conduct a preliminary enquiry into allegations, it is must for them to forward a preliminary enquiry report to the Commission for its advice. Its necessary for the departments / organizations to forward a preliminary investigation report together with their views on it, in respect of all complaints forwarded to them by the Commission for investigation and report.

Cases in which Central Bureau of Investigation conduct preliminary investigation against a public servant, who comes within the advisory jurisdiction of the Commission; the concerned department is required to give its specific comments on the recommendations made by the Central Bureau of Investigation for advice of the Commission.²⁹

THE COMMISSION TENDERS ITS ADVICE IN TWO STAGES

FIRST STAGE ADVICE

At this stage, the Commission investigate reports furnished by the Chief Vigilance Officer or by the Central Bureau of Investigation. Then the Commission, depending upon the circumstances and facts of each case, advises initiation of departmental or criminal proceedings against the concerned public servants, or issuance of administrative warning to him or the closure of the case.³⁰

In 2006 the commission received 4798 cases. Out of 4798 cases, the commission tendered its first stage advice in 2567 cases.³¹

SECOND STAGE ADVICE

At the second stage, the Commission is approached for the imposition of a major or minor penalty after the completion of the departmental proceedings. The departmental proceedings could be for imposition of major or minor penalty. If the Commission advises initiation of departmental proceedings for major penalty, it also

indicates whether the Departmental Inquiry is to be conducted by a Commissioner for Departmental Inquiries borne on the strength of the Commission or the department may appoint its own inquiry officer for the purpose. The inquiry report in either case, however is furnished to the Commission for its second stage advice before taking final decision. The Commission also tenders second stage advice in those cases in which the departmental proceeding for minor penalty were initiated on the Commission advice and the concerned disciplinary authorities propose to close the case after examining defence statement.³²

In the year 2006 the Commission tendered its second stage advice in 1287 case.³³

APPEAL/REVISION/ REVIEW STAGE

Appeal / Revision / Review Stage: The Commission is also consulted at the appeal revision and review stage in those cases in which the appellate / revising / reviewing authorities propose to modify or set aside the penalty, which was imposed on a public servant in consultation with the Commission. The only exception to this requirement is the cases in which the administrative authorities are required to consult the Union Public Service Commission.

TRANSPARENCY IN WORKING

Copy of the Commission's first stage advice on the investigation report may be made available to the concerned employee along with a copy of the charge-sheet served upon him, for his information. However a copy of the Commission second stage advice is to be made available to the concerned employee, along with Inquiry Officers (IOs) report, to give him an opportunity to make representation against the Inquiry Officers findings and the Central Vigilance Commission advice, if so desire.³⁴

Direct investigation of complaints through Central Vigilance Commission's officers

In the year 2005 the Commission has decided that, the serious complaints where no report was received from the organizations even after the expiry of a considerable period will be taken up for direct inquiry by the Commission's own officers. In the year 2006, the commission took up 54 complaints for direct inquiry.³⁵

WORKING OF CHIEF TECHNICAL EXAMINERS ORGANISATION

Chief technical examiners organisation is a technical wing of the Commission. The Chief Technical Examiners organisation conducts inspection of civil/electrical/horticulture works being carried out by the organizations of the government of India. Stores/purchases contracts, which are a major source of corruption,

are also taken up for extensive examination. The works for inspection intensive examination are selected from amongst the works above a threshold value. The details of which are provided by the Chief Vigilance Officers in the quarterly progress reports being sent by them to the Chief Technical Examiners Organization .At present the threshold value above which the works are taken up for inspection /intensive examination by Chief Technical Examiners organization has been decided as Rs 1 crore for tenders pertaining to the civil works in progress, Rupees 30 lacks for electrical /mechanical /electronic works Rupees 2 lacks for horticulture works and Rupees 2crore for store purchase Contracts. The intensive examination of works carried out by the Chief Technical Examiners organization helps in detecting cases relating to the execution of work with substandard material, avoidable/ostentatious expenditure undue favors or overpayment to contracts it also expose other deficiencies and malpractice, loopholes in the systems and procedures, etc.³⁶

RIGHT TO INFORMATION CELL:

Right to information Act, 2005 was passed by the Parliament in June, 2005 to provide for right to every citizen to secure access to information under control of Public authority, consistent with public interest, in order to promote openness transparency and accountability in administration. The Commission has set up on Right to Information

Cell (RTI) in the Commission to deal with receive applications from person seeking information under the Act. An officer of the rank of Director has been appointed as Central Public Information Officer and an officer of the rank of Additional secretary to the Commission, as the Appellate Authority.

During the year 2006, 681 applications were received and 637 of these were disposed of according to the provisions under the Act.³⁷

In the year 2006, the Commission hold a number of meetings with the Chief Vigilance Officers of all major government ministers / Departments / Public Sector Units / Bank in order to review the status of the Vigilance administration in general and to give emphasis on the issues for better vigilance management.

- (i) The Chief Vigilance Officers were asked to identity sensitive areas and focus on systems improvement in order to provide for greater transparency. The Commission also pointed out that it was important for the Vigilance officials to establish their credibility and for that it was necessary that the vigilance officials drawn from out side the organization familiarized themselves quickly with the policies / procedures of the organization concerned.
- (ii) It was imposed upon the Chief Vigilance Officers that a proper examination of complaints and follow up action on complaints were essential for an effective vigilance management, as

complaints threw light on the ills of the system besides exposing abuse by corrupt officials. The commission also stressed the timely investigation of complaints and considered the three months time limit adequate to send a report to the Commission. It was pointed out that the whistle blower complaints should be given utmost priority and report should be submitted within the stipulated period.

- (iii) The Chief Vigilance Officers were asked to ensure that the complainants making genuine complaints were not victimized / harassed by the organization. They were also asked to ensure that no victimization / harassment was caused to any internal 'whistle blower' if, by chance, his name some how got revealed / known.
- (iv) The Commission asked the Chief vigilance officers to ensure that proper advertisement of the tenders take place in order to attract fair competition. They were also asked to ensure that the tender forms were downloadable from the website and that the details of award of such contracts were put on the website. Chief Vigilance Officers were also asked to persuade their Management to go in for 100 percent e-payments like it had been done in some organization like Gas Authority of India Limited (GAIL) etc.
- (v) It was pointed out that delay in departmental proceedings was a sad reflection on the functioning of the Vigilance units and every

conceivable efforts should be made to ensure speedy finalization of departmental proceedings.³⁸

Important instructions / guidelines issued by the Commission- January 2006 to December 2006

- Instructions relating to reducing delay in departmental proceedings- ensuring availability of documents (Circular No. 006 / VGL / 5 dated 18.01.2006).
- Instructions regarding documents to be enclosed while seeking Commissions first and second stage advice (Circular No. 006 / PRC /1 dated 13.03.2006).
- Instructions regarding protection against victimization of officials working in the vigilance units of various ministries / departments / organization (Circular No. 006 / VGL / 022 dated 28.03.2006).
- Instructions requiring Chief Vigilance Officers (CVOs) to ensure that the laid down systems and procedures are followed in public procurement contracts (Circular No. 006 / VGL / 29 dated 01.05.2006).
- Instructions relating to transparency in works / purchase consultancy contracts awarded on nomination basis (Circular No. 005 / CRD / 19 dated 09.05.2006).
- Instructions regarding procedure to be followed provided in para 11.2 of Chapter VII of Vigilance Manual (Vol. I) for resolving the

difference of opinion between State anti Corruption Bureaus and Central Govt. Authorities in cases of sanction of prosecution of Central Govt, officials (Circular No. 006 / DSP / 002 dated 23.06.2006).

- Instructions regarding role of Chief Vigilance Officers (CVOs) in improving vigilance administration (Circular No. 006 / VGL / 065 dated 06.07.2006).
- Instructions requiring Chief Vigilance Officers (CVOs) to take up thorough scrutiny of tractor loans and other agricultural loans Chief Vigilance Officers (CVOs) to take up thorough scrutiny of tractor loans and other agricultural loans and look into the aspect of a nexus between the private personas / dealers and bank officials (Circular No. 006 VGL / 072 dated 19.07.2006).
- Instructions regarding adherence of time limit of processing of disciplinary cases (Circular No. \ 006 / VGL / 02 dated 21.06.2006).
- Instructions regarding Chief Vigilance Officers (CVOs) to ensure that details of the tenders awarded above the threshold value by the organizations are uploaded in time on their official website and are updated every month (Circular No. 006 / VGL / 091 dated 12.09.2006).
- Delay in completion of departmental proceedings (Circular No. 006/PRC/1 dated 21.09.2006).

- Instructions regarding reasons for disagreement with the Commission's advice (Circular No. 006/VGL/098 dated 10.10.2006.
- improving vigilance administration by leveraging technology increasing transparency through effective use of websites in discharge of regulatory enforcement and other functions of Govt. organizations (Circular No. 006/VGL/117 dated 22.11.2006.³⁹

Chapter-3

Efficacy of Central Vigilance

Commission

‘Vigilance stands, for objectivity, speed, consistency and transparency’.⁴⁰ Speedy disposal of cases with consistency, transparency and objectivity is of crucial importance. The effectiveness of vigilance depends on expeditious disposal of cases. The Commission provides a model time schedule of six months for conducting investigation and departmental enquiries and reviews the pendency of vigilance cases with in every month.⁴¹ The Commission has been emphasizing that the department enquiries must be completed with a period of six month and that the Commission advice should be implemented promptly. Because of the close monitoring in the Commission and Streamlining of procedure it has been possible for the Commission to tender its advice on vigilance cases to the concerned administrative authorities with in a period of four weeks, even with a steady increase inflow of cases.

The Central Vigilance Commission Act 2003 empowers the Commission to tender it’s advice regarding the initiation of an appropriate regular departmental action or for imposition of an appropriate penalty in the cases forwarded to it by the various organization of the central Government, corporation established by or under any Central Act, Government Companies societies and local authorities owned or controlled by the Central Government. The Commission lays great stress on adhering to a strict time table in conveying it’s advise in all such cases and emphases that the

organization also complete the disciplinary proceedings in a time bound manner prescribed by the Commission from time to time.

The Commission makes every possible effort to tender it's advice with in Four weeks and in the year 2006 more than 78 percent of it's advice were tendered with in three weeks of receipt of the cases. Only about 11 percent cases were delayed beyond four weeks. The main reason for such delay was non receipt of complete inputs or some additional details required by the Commission from the organization concerned

The Commission in its meetings with the central vigilance officers and the Chief Executive Officers (CEOs) / Chairman Cum Managing Director (CMDs), emphasized the importance of timeliness in dealing with the vigilance cases by the organization. The monthly reports of the Central Vigilance Officers are scrutinized in the Commission thoroughly and a follow upon various cases through the Branch officers is done in order to ensure speedy disposal.

Due to the Commission efforts, various organization imposed penalties against 2442 officers during 2006 where the Commission advice was obtain. The percentage of the cases where in punishment were awarded, to the number of cases received in the Commission, works out to be more than 50 percent. The overall efficiency in Vigilance administration has been one of the important achievement of the Central Vigilance Commission during the years 2006.⁴²

The number of cases received in the Commission during the last ten years is given in the chart-1.

Chart-1

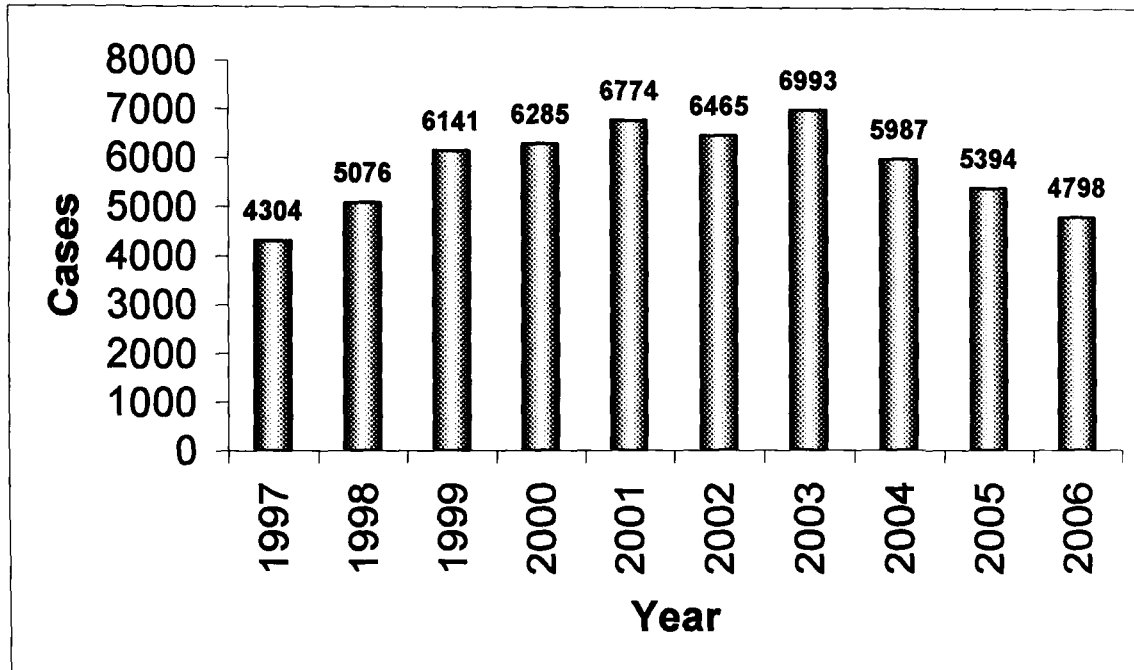
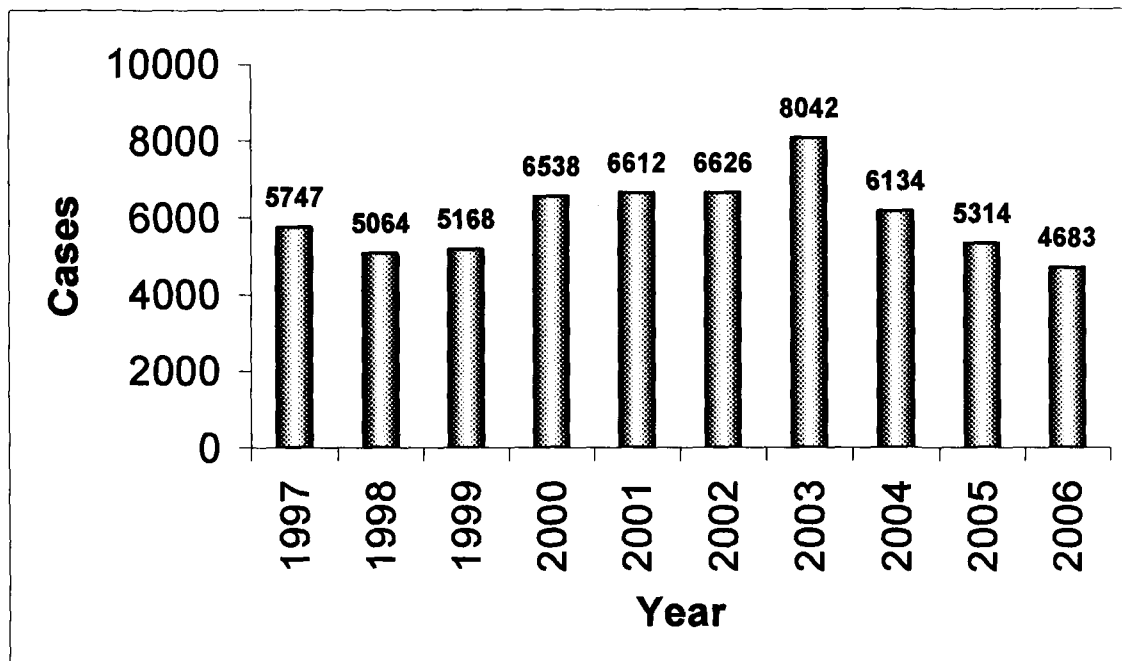


Chart-2



The number of cases disposed of by the Commission during the last ten year

Source: Annual Report of Central Vigilance Commission 2006

Chart 1 shows the number of cases received by the Commission during last 10 years and chart 2 shows that the number of cases disposed of by the Commission during last ten years. Chart 2 which shows the number of disposed cases in last ten year also included pending cases of previous years along with received cases of each year. If we compare the cases received by the Central Vigilance Commission in the last 10 years we find that the number of the cases received by the Commission has come down over the last two years. This happens because previously the Commission had normal advisory jurisdiction over all gazetted officers of central Govt. and it's equivalent grades in other central Govt. organization, besides scale III and above officers of the Public Sector Banks, after the enactment of Central Vigilance Commission Act 2003, the Commission in 2004 raised the level of the officers under it's jurisdiction for mandatory reference of cases by the departments for seeking the advice of the Commission before initiation of penalty proceedings.

In case of Central Government officers, Commission's advice was made mandatory against Group-A officers. In case of Public Sector Banks, it was raised from scale III to scale V. As a result the number of cases received by the Commission has come down over the last two years.

In 2006 the Commission received 4798 cases. Based on the cases received and brought forward the Commission tendered it's advice in 4683 cases during 2006.⁴³

Number of cases received disposed of During the year 2006

Cases	Investigation Report (1st Stage)	Inquiry Reports and Minor Penalty cases	Other Reports / Cases such as reconsideration	Total
Brought Forward	253	58	15	326
Received	2659	1303	836	4798
Total	2912	1361	851	5124
Disposed of	2567	1287	829	4683
Pending	345	74	22	441

Source : Annual Report of CVC 2006

First Stage Advice

In 2006 the Commission tendered its first stage advice in 2567 cases. Of which 294 were on the investigation reports of the Central Bureau of Investigation and 2273 were on that of the central vigilance officers. Among the Central Bureau of Investigation investigated cases, it advised prosecution in 31.3 percent of the cases, major penalty proceedings in 28.6 percent and minor penalty proceedings in 6.8 percent cases. Among central vigilance officer investigated cases it advised major penalty proceedings in 24 percent cases and minor

penalty proceedings in 10 percent cases. In Rest of the cases the allegations were either not established conclusively or there were merely procedural lapses which did not warrant regular departmental action.

First stage Advice cases During 2006

Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal proceedings	92	12	104
Major Penalty Proceedings	84	545	629
Minor Penalty Proceedings	20	226	246
Administrative action	44	372	416
Warning, Caution etc.	54	1118	1172
Closure	294	2273	2567
Total			

Source : Annual report of CVC 2006

Second Stage Advice Cases

In year 2006 the Commission tendered it's second stage advice in 1287 cases of which Commissioners for department Inquiries of the Central Vigilance inquired 176 cases and in 1111 cases inquiring

authorities were appointed from within the departmental / Undertakings to inquire cases.

Second Stage Advice Cases During 2006

Nature of Advice	On the CDI's Report	On the cases received from CVO's	Total
Major penalty	119	567	686
Minor penalty	26	270	296
Exoneration	18	170	188
Other action	13	104	117
Total	176	1111	1287

Source: Annual Report of CVC 2006

On the whole, the Commission recommended major penalty in 53.3 percent cases and minor penalty in 23 percent cases. In 14.6 percent of the cases the charges could not be conclusively proved

Prosecution and Punishments

In pursuance of the Commissions advice, the competent authorities in various organization, issued sanction for prosecution against 150 public servants, imposed major penalties on 1024 public servants and minor penalties on 936 public servants during 2006.

Prosecution Sanctioned and Punishment Awarded.

Year	Prosecution	Punishment awarded			Total
	Sanctioned	Major penalty	Minor penalty	Administrative action	
2002	51	1162	957	1360	3530
2003	127	1432	1372	568	3499
2004	120	1951	1616	611	4298
2005	141	1084	1136	462	2823
2006	150	1024	936	332	2442

Source: Annual Report of CVC 2006

Pendency

Out of a total of 5124 cases including those brought forward, it disposed of 4683 Cases, leaving a pendency of 441 cases only at the end of 2006, of these 255 cases were pending for want of clarification/comments on the Central Bureau of Investigation reports from the organizations concerned. Thus only 186 cases were awaiting advice of the Commission.⁴⁴

Delays and Non compliance in various cases

The Commission give emphases on the expeditious investigation of complaints in order to determine the accountability for an improper action and the finalization of the disciplinary proceedings with in prescribed time schedule.

The Commission in the year 2005, decided to include undue unjustified delays in the disposal of a case as one of the elements of the existence of a vigilance angle in any case

The Commission observed that adequate attention to promptness in disposal is not being paid by the organizations and by top level functionaries. Many organizations perform the vigilance related functions in a routine manner showing insensitivity to the implications of delay on the officers concerned. It is observed that the delay in taking actions in disciplinary matters is due to the general apathy shown at the various levels of processing and decision making in the area of vigilance administration.

The main areas noted, where the delays were found to occur, were investigation of complaints / cases, issues of charge sheet for initiating departmental proceedings, appointment of inquiry officers and issue of final orders after completion of the disciplinary proceedings.

Cases of non compliance / Non consultation / Non acceptance.

The Central Vigilance Commission tenders its advice after a careful and thorough understanding of the facts on the cases received by it. It gives its advice in fair and objective manner. In a vast majority of cases, the disciplinary authority accepts the Commission's advice. However, Commission has noted that in some cases, either the consultation mechanism with the Commission was not adhered to in

respect of officers who are covered under its normal jurisdiction or there was non acceptance of the Commission's advice. There were cases where the Commission had advised initiation of major penalty proceedings, as a first stage advice, but the department without consulting the Commission at the second stage dropped the cases and exonerated the officer.

The Commission has observed that during the year 2006, there was deviation from the Commission's advice in 225 cases. Some of the significant cases are:

Central Public Works Department (CPWD)

The Commission advised, in October 2002, minor penalty proceedings, inter-alia, against a Superintending Engineer of Central Public Works Department in connection with preferential treatment shown to a particular contractor. On a reference for re-consideration of the matter, the Commission reiterated its advice in April 2004. Ministry of Urban Development, however, was not in agreement with the Commission's advice and had accordingly referred the matter to the Department of Personnel and Training (DOPT). Department of Personnel and Training endorsed the stand taken by the Ministry of Urban Development which was advised to close the matter after recording the reasons for disagreement with the Central Vigilance Commission. Ministry of Urban Development have accordingly issued orders on 27.6.2006 closing the case against the official.

Ministry of Railway

Case-1

The case relates to the finalization of a tender for the sale of the workshop refuse in Hubli Workshop. The investigation established that tenders were invited at the estimated cost of Rs. 16.56 lacs. However, by the time Tender Committee (TC) Meeting was held, validity of bids was over and two highest bidders did not extend their validity. Further, Tender Committee found aforesaid two highest bidders as ineligible, recommended the third highest bidder at the cost of Rs. 51.51 lacs (approx) and the recommendation was accepted. The Commission observed that Tender Committee did not make any efforts to obtain the best possible rates despite knowing that higher offers had been received. In agreement with the recommendation of the General Manager (GM), the Commission advised Major cut in pension proceedings against three members of Tender Committee, the Tender Accepting Authority (TAA) and Chief Office Superintendent. Railway Board referred the case of a Senior Divisional Engineer (DEN) and a Senior Deputy Finance Manager (DFM), members of Tender Committee, for reconsideration. The Commission did not find any new facts warranting reconsideration of its advice and therefore reiterated its previous advice. Railway Board, however, disagreed with the Commission's advice and closed the case without taking any action against the aforesaid two officials.

Case-2

The Commission, in November 2005, noticed that a significantly high number of employees had been declared unfit and were decategorised in a Division. In this connection, it was observed that the Medical Boards for the purpose had been constituted in violation of the guidelines. While the three member Medical Boards were required to include a surgeon and a physician, the Board proposed by the Chief Medical Superintendent did not include a surgeon and a physician. Such Medical Boards were proposed despite the stipulated specialists being available in the hospital. The same Chief Medical Superintendent was also found to have entertained time-barred appeals without recording reasons and took back employees, who had been removed/compulsory retired long time back. In view of this, the Commission agreed with the recommendations of the General Manager and advised initiation of major penalty proceedings against the Chief Medical Superintendent. On reference from Railway Board (RB), the Commission reconsidered the case and reiterated its previous advice. In its reconsidered advice, the Commission observed that though Railway Board point of view that the medical Board contained two specialists (which were other than stipulated surgeon and physician) could be conceded, the more important element of the irregularity related to time-barred appeals being entertained and a large number of discharged personnel being taken back without recorded justification, remained. The Disciplinary Authority, however,

disagreed with the Commission's advice and dropped the proceedings against the Chief Medical Superintendent.

Case-3

This case reveals how senior officers involved in serious misconduct get away with token punishments and how at each stage the action is diluted. In a case relating to the alleged misappropriation of huge quantities of cement, steel and other material by a contractor, the Central Bureau of Investigation recommended, inter alia, prosecution against a Deputy Chief Engineer (CE) for causing undue benefit of Rupees 23.71 lakhs to a contractor and consequent loss to the Govt. The Railway Board, however, observed that there was no case for prosecution of Deputy Chief Engineer but he could be proceeded against departmentally for not following the proper procedure in contract management and for his failure to ensure due recovery from the contractor for Railway material issued etc. In agreement with the Railway Board, the Commission advised initiation of major penalty proceedings against him. Inquiry Officer held charges as proved. General Manager and Railway Board agreed with the findings of Inquiry Officer and recommended to impose a suitable major penalty. In view of the gravity of established charges, the Commission advised to impose suitable major penalty. After considering the representation of the officer, the Railway Board now concluded that one of the charges was not substantiated and the other charge was only partly substantiated. It proposed to impose a minor penalty and referred the case for reconsideration. The Commission observed

that the Railway Board had based its conclusions on a para of the Engineering Code which had not been mentioned in the charge sheet and not even referred to by the charged officer. The Railway Board appeared to have made extra efforts to dilute the charge. Therefore, the Commission reiterated its previous advice. However, the Railway Board disagreed with the Commission's advice and imposed a minor penalty.⁴³

Satluj Jal Vidyut Nigam Ltd. (SJVN):

A contract for the construction of pressure shaft and powerhouse complex had been awarded by Satluj Jal Vidyut Nigam Ltd. (SJVN) to a private company at a cost of Rupees 475/- crores. While the work was in progress the company applied for an ad hoc/advance payment for a total amount of Rupees 42. 46 crores, which was released to this company in three installments. On a consideration of the investigation report from the Central Vigilance Officer, Satluj Jal Vidyut Nigam Ltd. the Commission observed that the release of the advance payments, which had not been adjusted, was not justified and there by undue favour was granted in the process to that company. Further, no precautions were taken at any level for recovery/setting of the outstanding advances with the contractor, who was also being given payment on the basis of the running account bills. It was also noticed that while only the Board of the Directors had the power to approve the payments, the decision was taken at the level of the then Chief Managing Director (CMD)

only. In view of the above irregularities, the Commission advised the Disciplinary Authority (CMD, SJVNL) for the initiation of major penalty proceedings against eight officers for their respective roles in the matter. A Commissioner for Departmental Inquiries from the Commission was nominated as inquiring Authority for these eight cases, but subsequently appointment orders with respect to only six of these officers, were issued by the Disciplinary Authority. It was noted that in the case of the then Senior Manager (Contract), no charge sheet was issued for five crucial months by the CMD/DA, SJVNL until the said officer was promoted, for which order was issued in August, 2005. For such a lapse on part of the Chief Managing Director a strong advisory note had been issued from the Commission, to remain careful in future.

Subsequently, after the promotion of the then Senior Manager was effected, a charge sheet was issued in his case for not agreeing to the proposal of recover 50 percent of the payable amount from the bills of the private company. The officer in turn had suggested that the regular payment could be released till such time the balance value of work to be executed remained approximately 70 to 80 percent of the ad hoc huge amount of interest that had accrued in case of that private company, on the advances given to them. After receiving a reply to the charge sheet from the then Senior Manager, the Chief Managing Director/Disciplinary Authority exonerated the officer of

all the charges without consulting the Commission, which is a mandatory requirement, in terms of para 22.2 its first stage advice for initiation of major penalty proceedings. Similarly, in case of another officer also, the Chief Managing Director/Disciplinary Authority after considering the reply of this officer to the charge sheet has exonerated this officer without consulting the Commission, which he was required in terms of the Vigilance Manual.⁴⁵

Delay in investigation of complaints

Every year large number of complaints are received by Commission from various sources. All complaints are carefully scrutinized. Large number of complaints which are found to be Pseudonymous / anonymous are filed.

The complaints where the officials named are not within the Commissions normal advisory jurisdiction the complaints which contain administrative or procedural lapses and have no vigilance angle are sent to the Central vigilance officers concerned for necessary action at their end. Only those complaints, which contain serious, verifiable allegations with a perceptible vigilance angle, are forwarded to the Central vigilance officers concerned for thorough investigation and sending a report to the Commission. Though the percentage of complaints forwarded by the Commission for investigation and report is small in relation to the total number of complaints received (7.1 percent of the complaints received during

2006 were sent for investigation and report) still the submission of reports by the Central vigilance officer concerned is delayed beyond the prescribed time-limit of three months.

According to the time schedule given by the Commission for investigation of a complaint the administrative authorities are required to complete the investigation and send a report to the Commission within the period of three months. In case of the Central Bureau of Investigation the period for completion of any investigation is six months.

At the end of the year 2006, investigation reports were awaited in 706 complaints forwarded by the Commission to the Central Vigilance Officers concerned for investigation and reports of these 92 (nearly 13 percent) complaints were pending regarding investigation for more than three years and 183 (nearly 26 percent) complaints for the period ranging between one to three years and 431 (nearly 61 percent) complaints were pending upto one year.

Complaints Pending for investigation and Report

Year	Upto one year	Between 1-3 years	More than 3 years
2005	336	207	145
2006	431	183	92

Source: Annual Report of CVC 2006

Some of the organizations which have delayed reports on large number of complaints are:

Organizations / Departments	Delays in reports on complaints
Municipal Corporation of Delhi	64
Central Board of Direct Taxes	62
Govt. of NCT Delhi	46
D/o Education	30
Central Board of Excise and Customs	27
D/o Health	22

Source: Annual Report of CVC 2006

Some illustrative cases of delay in the investigation of complaints by organizations are listed below:

Delhi Transport Corporation (DTC)

A complaint received by the Commission, alleging serious irregularities / corruption in the matter of hiring of private buses, was forwarded to Delhi Transport Corporation in May 1999 for investigation. Delhi Transport Corporation in turn, forwarded the complaint to the Govt. of National Capital Territory of Delhi (GNCTD). Despite repeated remainders no report was received either from Delhi Transport Corporation or Govt. of National Capital Territory of Delhi. The Commission, therefore, decided to entrust the investigation to one of its own officers.

Scrutiny of the relevant records, requisitioned from Delhi Transport Corporation by the Officer entrusted with the investigation-job, brought to light a whole lot of serious and deliberate acts of omission and Commission on part of a particular official (of Delhi Transport Corporation) in the hiring of buses owned by private individuals/entities. Malafide on part of the said official were obvious from the facts and circumstances of the case. The Commission's conclusions/findings in this regard were communicated to the Delhi Transport Corporation in May 2006, with a direction to process the case further with a view to initiate major penalty proceedings against the officer. Delhi Transport Corporation response is, however, still awaited.

It is thus evident that the Delhi Transport Corporation and Govt. of National Capital Territory of Delhi had failed to take effective cognizance of the impugned complaint for over seven years.

Ministry of information & Broadcasting

A complaint against one Director, Doordarshan Kendra, was forwarded by the Commission to the Ministry of information & Broadcasting for investigation and report on 10.1.2001. The investigation of the said complaint was entrusted to one Dy. Director General (DDG) level officer, who submitted the report to the Ministry in the month of January 2001 itself. However, the Ministry took nearly five years in obtaining the clarifications from Prasar Bharti, The case surfaced again only when the Commission took up the matter for direct investigation. Thus the Ministry caused inordinate delay in sending the report thereby not adhering to the time-limit set by the

Commission for the purpose of investigation. This delayed action on part of the Ministry runs contrary to the tenets of vigilance administration.

Municipal Corporation of Delhi (MCD)

A complaint received by the Commission, alleging unauthorized construction activities in a residential colony in Delhi, was forwarded to the Municipal Corporation of Delhi in May 1990 for report. Municipal Corporation of Delhi came back after more than 5 years, conceding that the allegation was true, at least in regard to one particular property. Municipal Corporation of Delhi was, therefore, advised by the Commission, in May 1995, to identify the officials responsible for this. On the basis of Municipal Corporation of Delhi reply in this regard, the Commission advised, in August 1996, initiation of major penalty proceedings against one official.

Municipal Corporation of Delhi came back in July 2006 saying that the official concerned had already resigned from service and that the case had become time-barred for departmental proceedings. Further, no action was also feasible, for similar reasons, against those identified for delaying the follow up action on the Commission's aforesaid advice of August 1996.

Thus, on account of inaction and delay on part of the concerned officials, the culprits escaped action and the case had to be closed.⁴⁶

Delay in Holding Oral Inquiry

The Commission has laid down a detailed schedule for or the completion of an oral inquiry according to it the inquiry proceedings are expected to be completed with in a period of 6 months after the

appointment of the inquiry officer. To provide two months time to appoint an inquiry officer after the receipt of the Commissions advice for the initiation of major penalty proceedings which includes one month time to the disciplinary authority for issuing charge sheet to the delinquent official. The Commission nominates its officers to be Inquiry Officers in the departmental proceedings selectively and only in those cases where the charged officers are very senior in rank and the charges are considered sufficiently serious / complicated. Although. The commission nominated it's officers as Inquiry Officers only in a limited number of cases there was considerable delay in issuing their appointment orders as Inquiry officers, by the Disciplinary authorities concerned.

During the year 2006, the disciplinary authorities concerned delayed issues of appointment orders for the Commissioners for Departmental inquiries, nominated by the Commission as an Inquiry Officers with in the scheduled time frame in 170 cases, of these 108 cases were more than one year old and 62 cases were more than three months old.

After appointment of an Inquiry Officers the required documents viz. a copy of charge sheet, reply of the charged officer, order of appointment of the presenting officer, the listed documents, list of witnesses are to be furnished to the inquiry officer in the absence of which it is not possible for the Inquiry Officers (IO) to

proceed with the inquiry proceedings. At the end of the year 2006, in two cases these documents were not made available by the disciplinary authorities or the Commissioner for Departmental Inquiry, Inquiry officers nominated by the Commission.⁴⁷

Delay in the implementation of the Commission advice.

At the end of the year 2006, as many as 2174 cases were pending for over six months for the implementation of the first stage advice of the Commission and 863 cases were pending for over six months for the implementation of the second stage advice of the Commission.

Delay in the implementation of Commission's advice for over 6 months

Organizations / Departments	First State Advice	Second State Advice
Bharat Sanchar Nigam Ltd.	499	100
Central Board of Excise & Customs	159	44
Central Board of Direct Taxes	99	58
M/o Railways	62	62
M/o Information & Broadcasting	74	36
Hindustan Petroleum Corp. Ltd.	8	35
D/o Telecom	17	31
M/o Urban Development	32	31
Govt. of NCT of Delhi	19	29
Central Public Works Department	25	13
Delhi Development Authority	33	9

Mahanagar Telephone Nigam Ltd.	29	12
Municipal Corp. of Delhi	41	12
New India Assurance Co. Ltd.	48	5
UT of Daman& Diu and Dadra & Nagar Haveli	30	10

Source: Annual Report of CVC

Delay in seeking advice / conduct of disciplinary proceedings

The delay in the proceedings, on the one hand lead to prolonged harassment of the charged officials in case they are innocent, whereas on the other hand, sometimes, a guilty official escapes punishment. The Commission has in a number of cases expressed its displeasure and advised action against such officers.

Some of the illustrative cases of delay in implementation of the Commission's advice by the organisations are listed below:

Ministry of Coal

Ministry of Coal approached the Commission in May 2006, soliciting its advice in a case where one of the accused officers was due for retirement on 31.5.2006. From a perusal of the case records, it was noted by the Commission that the case had its origin in a complaint, received by the Ministry, dating back to September 2003. It was disconcerting to observe that it took the Ministry more than 2-1/2 years to complete the investigation process, whereas it should have been completed in a period of six months or so. Evidently, it was the impending retirement of the officer-referred to

above that prompted the Ministry to rush to the Commission for advice in May 2006.

It is needless to emphasize that investigations into serious complaints ought to be completed within a reasonable time frame. Unless this is done the offender/culprits would manage to escape unpunished, using the retirement route. The 32 months' time taken by Ministry of Coal in the investigation of the complaint referred to above was unjustifiable by any norms.

Ministry of Information & Broadcasting

The Commission had advised initiation of minor penalty proceedings in a case against an Administrative Officer of All India Radio (AIR), Prasar Bharati on 6.6.1994, under the Ministry of Information & Broadcasting.

The Commission had noted that the charge-sheet was not served to the officer on the pretext of his transfer from All India Radio to Doordarshan (DD) and also from one place to another. The Commission further observed that prima-facie this delay appeared intentional as charge-sheet was served on 18.6.1997, 22 days after his promotion as Deputy Director. The inept handling of the case and the deliberate delay is reinforced by the fact that the charge-sheet already served on him on 18.6.1997 was eventually withdrawn on 21.5.2000 on the plea that there was a change in the Disciplinary Authority. A fresh charge-sheet was issued by the Ministry of Information & Broadcasting on 9.11.2001 i.e. after seven years.

Other Areas of Concern

The indifferent attitude of vigilance units and the administrative authorities in some departments has been an area of serious concern for the Commission as such as attitude sends inappropriate signals regarding the willingness of the authorities to tackle the menace of corruption. Some example of laxity on the part of departments / organizations are given below.

Ministry of Railways

Case 1

This case relates to fake appointment of Group 'D' staff in the Jhansi Workshop. The Commission advised, inter alia, initiation of major penalty proceedings against a Senior Personnel Officer for allowing persons to join without verifying the fact that their names were included in the approved list. Due to this lapse, those persons succeeded in getting fraudulent postings on the basis of fake documents. Inquiry Officer held the charge as proved. The Commission, in agreement with the General Manager and Railway Board, advised to impose a penalty of suitable cut in pension of the charged officer. The case was then referred to the Union Public Service Commission (UPSC) by the department. Union Public Service Commission however, concluded that the officer was responsible only for supervisory negligence and the established charge did not constitute grave misconduct or gross negligence. It advised that cut in pension was not warranted. The Disciplinary Authority, who had earlier recommended for imposition of a penalty of cut in pension and had

subsequently accepted this Commission's advice for such penalty, dropped the charge against the officer.

Case 2

The case relates to irregularities in the matter of award of parcel handling contract to a dubious society and grant of subsequent extensions to the party. In agreement with the Railway Board (RB) the Commission advised initiation of major penalty proceedings against a Senior Divisional Commercial Manager. Inquiry officer held all the charges as proved. Disciplinary Authority agreed with the findings of Inquiry Officer recommended cut in pension. Similar recommendation was given by the Railway Board. The Commission agreed with the department and advised for a suitable cut in pension. The case was then referred to Union Public Service Commission by the department. Union Public Service Commission, however, held all charges as not to proved and advised exoneration of the official. Thereafter, the official was exonerated by the department. Thus, despite there being unanimity about proposed action as well as the penalty till the second stage advice of the Commission, department exonerated the official.⁴⁷

The measures taken by commission to reduce the level of corruption through system / procedural improvement.

(1) Greater Transparency in administration:

For greater transparency in all matters, the Commission has withdrawn it's earlier instructions that the advice tendered by it is of

confidential nature. It has now provided that a copy of the Commission first stage advice on the investigation report may be made available to the concerned employee along with a copy of the charge sheet served upon him for his information. However, a copy of the Commissions second stage advice is to be made available to the concerned employees along with the Inquiry Officers report to give him an opportunity to make, representation against the Inquiry Officers findings and the Central Vigilance Commissioners advice if so desire.⁴⁸

(2) Computerization of Bank Branches

The Commission in 2001 had set the target of 100 percent Computerization of bank branches by December 2004. It is happy to note that a large number of banks have achieved 100 percent or more than 90 percent computerization which covers over 95 percent of the total business of Public Sector banks. Most of the banks have reported that computerization in some of the rural or semi-urban branches is the only area which is not covered due to practical difficulties. The Commission has nevertheless emphasized to the remaining banks the need for achieving 100 percent computerization.⁴⁹

(3) Strengthening Vigilance anti corruption work

The Commission observed that there is a trend to shield corrupt public servants, mainly at senior levels, in certain organizations. In order to reduce such trends, the Commission has issued instructions

requiring that the Central Vigilance Officers on completion of investigations in vigilance cases, would endorse an advance copy of the report to the commission, while submitting their report/comments to the superiors in the organizations. Such a system would take care of the situations if attempts are made to dilute the Central Vigilance Officers report and shield the corrupt officials.⁵⁰

4) Effective punishments to corrupt employees through traps

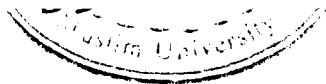
The Central Vigilance Commission has issued an order on 1st December 1999 about trapping of corrupt public servants. The Non Governmental Organizations (NGO's) can help in trapping of corrupt public servants, so far as the organizations under the jurisdiction of Central Vigilance Commission are concerned.⁵¹

5) Time limit for re-consideration of the advice.

The commission has issued instructions that if the administrative authorities desire to make references to the Commission for reconsideration of its advice, they may do so within a period of two months failing which the commission will decline to entertain such reference.⁵²

(6) Benami Black money scheme

The commission has notified a Benami Black Money Scheme with effect from 12.07.2000 through this scheme, the commission has invited the members of the public to report the matter to the commission if they have information against a public servant about



possession of black money or assets, which are believed to be disproportionate to his known source of income.⁵³

(7) Appointment of consultants in vigilance department

The Commission has, directed that vigilance functionaries should always be full time employees of the organization and in no case a retired employee should be appointed as a consultant to perform vigilance functions.

**8) Suspension of Public Servants involved in Criminal /
Departmental proceedings**

The officers facing criminal / departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not be revoked in a routine manner. The Commission has directed that the existing instruments on suspension should be followed strictly. It has directed that if the Central Bureau of Investigation recommends suspension of a public servant and the competent authority does not propose to accept the Central Bureau of Investigation recommendation in that regard, the matter may be referred to the Commission for advice. The Commission has directed that if a person has been suspended on the recommendation of the Central Bureau of Investigation the Central Bureau of Investigation may be consulted if the administrative authority proposes to revoke the suspension order.⁵⁴

9) NO post tender negotiation.

The Commission had observed that the post tender negotiation was one of the major sources of corruption. The Commission had, therefore, banned post-tender negotiations, w.e.f. 18.11.1998, except with the lowest tenders. It was, however, clarified during the year under report that the instructions dated 18.11.1998 pertain to the award of work/supply orders etc., where the Government or the Government Company has to make payment. If the tender is for sale of material by the Government or the Government Company, the post tender negotiations are not to be held except with the highest tender, if required.

10) Right to information cell:-

The Commission has setup an Right to information (RTI) cell in the Commission to deal with receive applications from persons seeking information under the Act. An officer of the rank of Director has been appointed as Central Public information officer and an officer of the rank of additional secretary to the Commission, as the Appellate authority.⁵⁶

11) Publishing the names of corrupt officials in the Central Vigilance Commission website.

The Central Vigilance Commission (CVC) published on it's website the list of officers who are facing prosecution and departmental action for major penalty.⁵⁶

The Commission to fulfill it's obligations as an agency to ensure transparency and accountability in Public Administration has taken many steps in this direction.

1) Use of technology for improving vigilance administration.

The Commission make it compulsory for all the organization to provide detailed information regarding the rules and procedures governing issues of permission licenses etc on their website. The commission directed all the organizations that all the application forms, proformas are available on the websites in a down loadable form. It has been directed that the complainants should be kept informed about the status of their online application. The Commission directed all organizations to post every month a summary of all awarded contracts / purchases on their websites.

2) Protection of officials engaged in investigation.

The Commission gives independence and freedom to the vigilance functionaries to work without fear. The Vigilance functionaries have a fixed tenure which would not be disturbed normally and certainly not without the concurrence of the Central Vigilance Officer concerned. The Commission prohibit the organizations from posting officials under those officers against whom they had conducted any kind of investigations while working in vigilance departments.

3) The Commission experience has been that many time complainants indulge in black mailing honest officers by lodging anonymous /

pseudonymous complaints against them when they are within the consideration zone for a promotion or some important assignment. The Commission has therefore decided that as a principle such anonymous / pseudonymous complaints would not be entertained.

4) Whistle Blower Resolution:

In order to ensure that genuine complainants possessing verifiable facts do come forward with such information the Commission withholds the identity of the complaints, in case they have made a request for the same. A separate confidential cell has been setup in the Commission which deals with these complaints where the identity of the complainant is duly protected.⁵⁷

5. The Commission lays great stress on adhering to a strict timetable in conveying its advice in all such cases and also emphasis that the organization also complete the disciplinary proceedings in a time bound manner prescribed by the Commission from time to time.

6. The file tracking software has been installed in the Commission which cut down the time taken by it in tendering it's advice to the departments in the vigilance cases referred to it. The Commission makes effort to tender its advice with in 4 weeks.

7. The Commission in it's meeting with the Central Vigilance Officers and the Chief Executive Officer/Chief Managing Director give emphasis on the importance of timeliness in dealing with the vigilance cases by the organization.

The monthly reports of the Central Vigilance Officers are scrutinized in the Commission thoroughly and a follow on various, cases through the Branch officers is done in order to ensure speedy disposal.⁵⁸

8. The Commission had constituted a Vigilance Advisory council (VAC) in order to get quality inputs and independent external opinion from knowledgeable eminent persons on vigilance related matters. As already decided by the Commission in 2005 serious complaints in which no report was received from the organizations even after the expiry of a considerable period, were taken up for direct inquiry by the Commission own officers according to the provisions under section 11 of Central Vigilance Commission Act.

In 2006, the Commission took up 54 such complaints for direct inquiry which had the effect of expediting submission of reports by the Central Vigilance Officers themselves in 36 cases. On the basis of records called from the Central Vigilance Officers the Commission's officers submitted reports in 46 cases which included cases entrusted to them in 2005 also.

Commission interaction with Non Governmental Organizations provide very useful inputs for the public perception of corruption and the possible counter measures needed. The Commission therefore interacted with some Non Governmental Organizations during the year.⁵⁹

These are as follows

1. Centre for media studies
2. Parivartan
3. Transparency international

The Commission directed the organization to upload on their website information in respect of the rules and proceedings, governing the issues of licenses / permissions etc. and to make available all the status of individual application on the organization website.

Steps taken by the CVC to make public aware about danger & evil consequences of corruption.

1. The central Vigilance Commission decided to launch a systematic campaign against corruption by involving all members of civil society. The 1st step in this campaign was to educate the people about the danger of corruption and sensitize them about its evil consequences. The Commission issued instruction on 23.06.2000 that the week beginning from 31st October every year should be observed as the Vigilance Awareness week⁶⁰
2. Publishing the names of corrupt officials in the Central Vigilance Commission website. The Central Vigilance Commission published on its website list of officers who are facing prosecution and departmental action for major penalty.

SWOT analysis of CVC

Strengths

The strengths of CVC are:

1. **Apex and Independent Body:** Central Vigilance commission was established in 1964 as an apex body for exercising general superintendence and control over Vigilance administration through the Government of India resolution on 11.2 1964. The Ordinance of 1998 conferred statutory status to the Central Vigilance Commission. It is an independent body it can act with objectivity and impartiality in tendering advice.
2. **Jurisdiction:** To exercise superintendence over the Vigilance administration of the Ministries of Central Government or Public sector Units, Banks and bodies established by or under any central Act and to exercise superintendence over the functioning of Central Bureau of Investigation.
3. **Members:** Central Vigilances Commission consists of the central Vigilance commissioner and two Vigilance commissioners as it's members, persons of high reputation and integrity have \ been appointed as it's member, which enhanced it's status.

4. **Fixed Tenure:** The members of the central Vigilance commission shall hold office for a term of four years from the date on which they enters upon their offices or till they attains the age of 65 years which ever is earlier. The Central Vigilance Commissioner or any Vigilance commissioner shall be removed from his office only by an order of the president on the ground of proved misbehaviour or incapacity after the supreme court on a reference made to it by the president, has on inquiry, reported that the central Vigilance commissioner or any Vigilance commissioner, as the case may be ought on such ground be removed.
5. **Central Vigilance Officers:** The Central Vigilance Officers working in the Ministries, Departments, Insurance organization, Banks, Public Sector Units and other central Government bodies created under central Act are like eye's and ear's of the central Vigilance commission.
6. **Dedicated workforce:** The Commission is assisted by the secretariat consisting of one secretary, the two advisory wings of Commissioner for Departmental inquiries and Chief Technical Examiners Organization. The officer level is mostly manned by the Central staffing scheme through Department of Personnel and Training and the commission has been given freedom to choose capable officers, having rich experience in public administration from

among the panel submitted by Department of personnel. Central Vigilance Commission has a strong officer oriented work culture and due to the presence of the motivated and capable workforce, it has been able to perform it's job satisfactorily.

Weakness

(1) Advisory nature of Central Vigilance Commission

Central Vigilance Commission is an advisory body and it's recommendation are not binding on the Disciplinary Authorities or the departments under it's jurisdiction.

The Central Vigilance commission has no Power to give punishment to any person who is found corrupt.

(2) Concurrent Jurisdiction with Union Public Service Commission

The Central Vigilance Commission has concurrent jurisdiction with Union Public Service Commission over advisory jobs on anticorruption matters. After the imposition of penalty on an officer of central Government or per the advice of Central Vigilance Commission in a disciplinary proceedings case, it would be referred to Union Public Service Commission if the officer concerned is a presidential appointee. This hampers the autonomy of a Central Vigilance Commission which is a statutory body.

(3) Inadequate Staff: Work of Central Vigilance Commission has increased over the years but the commission is a lean and thin

organization. The staff strength of central Vigilance commission is insufficient to cope up with the workload.

(4) Restricted jurisdiction: Political and judicial corruption are out side the jurisdiction of the central Vigilance commission. Central Vigilance Commission looks into corruption cases only against public servants, though today political and judicial corruption vitiates the climate of public administration.

Opportunities:

1. **Statutory status:** After the passing of central vigilance Bill, the central Vigilance commission got a legal status as an autonomous and apex body to fight against corruption in Public Administration.

2. **Appointment of top executives in Public Sector Units and Banks in consultation with Central Vigilance Commission:**

Before appointments are made to the Public Sector Units and Banks at their board level, Central Vigilance Commission is required to be consulted for verification of antecedents of the persons considered for these posts. Central Vigilance Commission is also consulted before appointment of Directors of Premier investigative bodies like Central Bureau of Investigation and enforcement directorate. This gives a very good opportunity to Central Vigilance Commission to select persons of impeccable integrity and probity into higher organizations. There by moulding the anti corruption drive in a desired and planned manner.

(3) Support from Judiciary: The verdict of the supreme courts in Vineet Narain case directed the Government to accord statutory status to central Vigilance commission.

(4) Central Bureau of Investigation within its Superintendence:

The Central Vigilance commission is an independent body. The central Vigilance commission exercise superintendence over the functioning of Central Bureau of Investigation (CBI) and review the progress of investigations being conducted by them.

Threats

(1) Presence of Corrupt People in Politics: Corrupt and criminal elements present in the politics are not in favor to give strength to the anti corruption bodies like Central Vigilance Commission Central Bureau of Investigation, Lokaukta etc.

(2) Reluctance on the part of the departments to proceed against their own officers

The reluctance on the part of the organizations to proceed against senior officials is a real threat to the anti corruption derive of Central Vigilance Commission. There are numerous cases in which public servant refused to accept the advice of Commission.

Chapter-4

***Concluding Observation &
Suggested Measures to Strengthen
the Central Vigilance Commission
in Curbing Corruption***

Corruption is abuse of public office for private gain. It has always existed in human society in one form or the other. It occurs through out the world but is of special concern in developing countries.

Corruption is present where public servant have wide discretionary powers and little accountability. Too much regulations and distorted policy measures give rise to corruption. The social practices like dowry system, caste and kinship are also responsible for the growth of corruption. Corruption is spreading because it involves less risk and more profit.

In India before Second World War, corruption was mainly present among the lower level of administrators. The Second World War breeds conditions which makes money making easy. After the independence the Indian government undertook to race with the time for effecting economic development. Hence there arose the necessity of quotas, permits and controls. All these opened the gates of black marketing.

The enormous growth of corruption in public administration become a cause of concern and there was a heated debate in the parliament in 1962 on the enormous growth of corruption in every aspect of public life.

As a result the Home Minister Lal Bahadur Shastri announced on the floor of the Parliament the formation of a committee to review the problem of corruption and to make suggestion. The committee, so formed is known as Santhanam Committee.

The Santhanam Committee give four major cause of corruption in India. They are (1) Administrative delays (2) Government taking upon themselves more than they can manage by way of regulatory functions (3) Scope for personal discretion in exercise of power. (4) Cumbersome procedure of dealing with various matter. The committee raised an important issue that the administration could not be a judge of its own conduct and it noticed the conspicuous absence of dynamic integration between the vigilance units of various ministries and the administrative vigilance division in Ministry of Home Affairs.

On the recommendation of Santhanam Committee the Central Vigilance Commission was established in 1964, as an apex body for exercising general superintendence and control over the vigilance administration through the Government of India Resolution of 11.2.1964. As per the direction given by the Supreme Court in the Vineet Narain case, the Central Vigilance Commission was accorded statutory status. The Central Vigilance Commission Bill, which was introduced in the parliament in 1999, has had a staggered journey to

become Central Vigilance Commission Act in September 2003. The Central Vigilance Commission is a multi member Commission, with one Central Vigilance Commissioner and two Vigilance Commissioners.

Jurisdiction of the Commission extends to all the organization to which the executive power of the Central Government extends Central Vigilance Commission Act restricts its jurisdiction with respect to the level of employees for an inquiry into the complaints to Group A level officers and such level officers as may be notified by the central government. There is no restriction on it's advisory role.

The Commission have residuary powers to enquire into any individual case in respect of the employees other than those who are with in it's normal advisory jurisdiction. When there is difference of opinion between the Central Bureau of Investigation and administrative authorities concerned, in respect of the employees who are not with in the normal jurisdiction of the Commission are also resolved by the Commission.

The Central Vigilance Commission is not an investigating agency and it gets the investigation done through the Central Bureau of Investigation or through the Department Central Vigilance Officer.

The Commission provide a model time schedule of six months for conducting investigation and departmental enquiries and review

the pendency of Vigilance cases with it every month. Because of the close monitoring in the Commission and streamlining of procedure it has been possible for the Commission to tender its advice on vigilance cases to the concerned administrative authorities, within a period of four weeks, even with a steady increase in flow of cases.

It was observed in the past that a large number of complaints received in the Commission were either anonymous or pseudonymous in nature.

The Commission takes no action on any anonymous or pseudonymous complaints. To encourage complainants possessing verifiable facts to come forward with information, the Commission hides the identity of the complainants in case they have made a request for the same.

The complaints received in the Commission are scrutinized and if they contain sufficient details to justify investigation, these are referred to the Central Vigilance Officer of the concerned department or Central Bureau of Investigation for investigation and report depending upon the nature of allegation.

Next in order to know the efficacy of Central Vigilance Commission in combating corruption. We have analyzed the working of Central Vigilance Commission various instructions issued by Central Vigilance Commission and recommendation made by the

Central Vigilance Commission to the central Government Ministries / Department & other organization which comes under jurisdiction for improvement of system and procedures and enactment of laws / rules. The Strength Weakness Opportunity and Threat (SWOT) analysis of Central Vigilance Commission reflects it's strength, weakness, opportunities and threats.

Conclusion

The Central Vigilance Commission tender it's advise after a careful and thorough understanding of the facts on the cases received by it. Infact in a vast majority of cases the disciplinary authority accepts the Commission's advice. However, Commission has noticed in some cases, either the consultation mechanism with the Commission was not adhered to in respect of officers who are covered under its normal jurisdiction or there was non acceptance of the Commission advice. There are cases where the Commission had advised initiation of major penalty proceedings, as a first stage advice, but the department without consulting the Commission at the second stage dropped the cases and exonerated the officer.

The Commission has been taking every conceivable step to ensure honesty and transparency in the functioning of the government organization through effective vigilance administration.

The Commission from time to time issues appropriate instructions, plugging loopholes and bringing about systemic improvement. But the fact remains that over all role of the Commission is only an advisory one with limited statutory authority to enforce it's recommendation.

Central Vigilance Commission is a teeth less body. It is felt that for the Central Vigilance Commission to play more effective, active and authoritatively significant role in the eradication of corruption many important measures have to be taken by the Government to provide teeth to the Commission these are :

(1). The Commission First stage advice in vigilance cases should be made mandatory to be implemented by all organization of the Government of India, Public Sector undertaking and banks. An appropriate amendment to the Central Civil Service (CCS), Classification, Central and Appeal Rules (CCA) 1965 is required to be made by incorporating a clause making the Commission First Stage Advice mandatory for all Government of India organizations under it's purview. A directive is also required to be issued by Department of Personnel and Training to all Government of India Public Sector undertakings and Banks to incorporate a similar clause in their Disciplinary, Conduct and Appeal rules.

(2). There is a need to undertake some inquiries directly where there is an apprehension on the part of the complainant that entrusting it to organizational vigilance may not yield proper and quick result.

(3). Under the Central Vigilance Commission Act, Commissions superintendence over Central Bureau of Investigation is confined to investigation of cases under the Prevention of Corruption Act only with a provision to section 8(1) (a) & (b) and the process of trial continues to be under the government control only. For all other functions too, the government continues to exercise control over the Central Bureau of Investigation. Superintendence by two different agencies over different functions of the Central Bureau of Investigation not only hampers the efficiency of the organization but also causes hindrance in its smooth functioning. There is a need to have an independent superintendence over the Central Bureau of Investigation function to insulate the organization.

(4). The Government is required to approach the Commission for it's advise at two different stages, in matters relating to the disciplinary proceedings against the public servants coming with in the purview of the Central Vigilance Commission. In respect of the officers of all. All India services and Group A officers, the Government is also required to approach to the Union Public Service Commission to decide about the quantum of punishments to be imposed on the

officers. The provision regarding consultation with Union Public Service Commission not only leads to duality of authority but also is a cause for inordinate delays in finalizing the disciplinary proceedings leading many a time to the superannuation of the charge sheeted official before a penalty could be imposed. The Commission being an expert agency on vigilance cases and having been made paramount in matters pertaining to vigilance administration, it is only appropriate that it should have the final word on disciplinary matters. There is a need to do away with the consultation mechanisms with Union Public Service Commission regarding the quantum of punishment to be imposed on the government officials.

Suggested Measures to Strengthen Central Vigilance Commission in Combating Corruption

(1) Sensitizing public about the evil effects of corruption.

The Central Vigilance Commission has already started the process of sensitizing the public about the evil effects of corruption through observation of Vigilance Awareness week every year since 2000. People participation is very necessary to combat corruption.

(2) Use of Information and Technology: In shaping opinion of the public, the electronic and print media can be used. Media help in checking corruption by uncovering the stories of corruption.

(3) Transparency in rules and procedure:- If we really want to eradicate corruption. Transparency in rules and procedures are necessary. Transparency in government is possible if there is freedom of information and the citizens have access to information. Right to information Act 2005 helps in maintaining Transparency in Government.

(4) The 1988 Benami Transaction Prohibition Act still remains a dead letter, because the rules for implementing it have not been formed even after so many years. The Central Vigilance Commission should get the powers to freeze any property which has been brought through ill gotten means or under benami names. This Act could effectively tackle illegal transactions arising out of ill gotten money.

(5) Lok Pal Act:- In India Lok Pal Bill has not seen the light of the day. Otherwise it could ensure integrity and probity among elected representatives of Parliament including Central Ministers and in this way it will help the Central Vigilance Commission in combating corruption.

(6) Strengthening the office of the Central Vigilance Officers, Central Vigilance Officers are eyes and ears of the apex vigilance and anti-corruption body. Central Vigilance Officer post remain vacant in some organization for longer periods and being managed by a junior officer of the organization. In many Public Sector Units and

Government organization, the Central Vigilance Officers are supported by a skeletal staff some of whom might not even have aptitude for vigilance and anti corruption work. As a result there is delay in investigation. There is a need to strengthen the office of Central Vigilance Officers depending upon the volume of work and to effectively pursue preventive and detective vigilance work as Central Vigilance Commission has no other investigation division of it's own.

(7) Curbing Administrative corruption requires the curbing of political corruption. Politics and administration are inseparably linked in any democracy. If the political environment gets criminalizes and corrupted the administrative environment is bound to get polluted too.

(8) Three Point strategy to curb corruption is suggested by V. Vittal. First is the simplification of rules and procedures so that the scope of corruption is reduced. The second is bringing transparency and empowerment of the people. The third is meeting out effective punishment.

(9) The Law commission has already suggested enacting an act called corrupt Public Servant (Forfeiture of Property) Act, which empowers the Central Vigilance Commission to confiscate the property. This is pending with the govt. since February 4, 1999.

C.V. Narasimhan, a former Director of the Central Bureau of Investigation of India mentions 3 types of anti corruption measures;

Preventive punitive and promotional. Preventive measures refer to those electoral and administrative reforms concerned with making all govt. transaction more transparent and accountable to the people. Punitive measures include the laws, rules and the mechanism for effective investigation, court trial departmental disciplinary action and other means to deter the corrupt functionaries. Finally, promotional measures focus on the encouragement of value- based politics, inculcation of moral and ethical principles among the younger generation in schools and colleges and to build up of a kind of social ostracisation of corrupt people by the society.

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Appendix

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Country rank	Country	2007 CPI Score	Country rank	Country	2007 CPI Score
1	Denmark	9.4	20	USA	7.2
	Finland	9.4	21	Belgium	7.1
	New Zealand	9.4	22	Chile	7.0
4	Singapore	9.3	23	Barbados	6.9
	Sweden	9.3	24	St. Lucia	6.8
6	Iceland	9.2	25	Spain	6.7
7	Netherlands	9.0		Uruguay	6.7
	Switzerland	9.0	27	Slovenia	6.6
9	Canada	8.7	28	Estonia	6.5
	Norway	8.7		Portugal	6.5
11	Australia	8.6	30	Israel	6.1
12	Luxembourg	8.4		St. Vincent and the Grenadines	6.1
	United Kingdom	8.4	32	Qatar	6.0
14	Hong Kong	8.3	33	Malta	5.8
15	Austria	8.1	34	Macao	5.7
16	Germany	7.8		Taiwan	5.7
17	Ireland	7.5		United Arab Emirates	5.7
	Japan	7.5	37	Dominica	5.6
19	France	7.3	38	Botswana	5.4

Country rank	Country	2007 CPI Score	Country rank	Country	2007 CPI Score
39	Cyprus	5.3	61	Cuba	4.2
	Hungary	5.3		Poland	4.2
41	Czech Republic	5.2		Tunisia	4.2
	Italy	5.2	64	Bulgaria	4.1
43	Malaysia	5.1		Croatia	4.1
	South Africa	5.1		Turkey	4.1
	South Korea	5.1	67	El Salvador	4.0
46	Bahrain	5.0	68	Colombia	3.8
	Bhutan	5.0	69	Ghana	3.7
	Costa Rica	5.0		Romania	3.7
49	Cape Verde	4.9	71	Senegal	3.6
	Slovakia	4.9	72	Brazil	3.5
51	Latvia	4.8		China	3.5
	Lithuania	4.8		India	3.5
53	Jordan	4.7		Mexico	3.5
	Mauritius	4.7		Morocco	3.5
	Oman	4.7		Peru	3.5
56	Greece	4.6		Suriname	3.5
57	Namibia	4.5	79	Georgia	3.4
	Samoa	4.5		Grenada	3.4
	Seychelles	4.5		Saudi Arabia	3.4
60	Kuwait	4.3		Serbia	3.4

Country rank	Country	2007 CPI Score	Country rank	Country	2007 CPI Score
84	Bosnia and Herzegovina	3.3		Mongolia	3.0
	FYR Macedonia	3.3	105	Albania	2.9
	Gabon	3.3		Argentina	2.9
	Jamaica	3.3		Bolivia	2.9
	Kiribati	3.3		Burkina Faso	2.9
	Lesotho	3.3		Djibouti	2.9
	Maldives	3.3		Egypt	2.9
	Montenegro	3.3		Eritrea	2.8
	Seaziland	3.3		Guatemala	2.8
	Thailand	3.3		Moldova	2.8
	Madagascar	3.2		Mozambique	2.8
	Panama	3.2		Rwanda	2.8
	Sri Lanka	3.2		Solomon Islands	2.8
	Tanzania	3.2		Uganda	2.8
98	Vanuatu	3.1	118	Benin	2.7
99	Algeria	3.0		Malawi	2.7
	Armenia	3.0		Mali	2.7
	Belize	3.0		Sao Tome and Principe	2.7
	Dominican Republic	3.0		Ukraine	2.7

Country rank	Country	2007 CPI Score	Country rank	Country	2007 CPI Score
	Lebanon	3.0	123	Comoros	2.6
	Guyana	2.6		Indonesia	2.3
	Mauritania	2.6		Russia	2.3
	Nicaragua	2.6		Togo	2.3
	Niger	2.6	147	Angola	2.2
	Timor-Leste	2.6		Guinea-Bissau	2.2
	Viet Nam	2.6		Nigeria	2.2
	Zambia	2.6	150	Azerbaijan	2.1
131	Burundi	2.5		Belarus	2.1
	Honduras	2.5		Congo, Republic	2.1
	Iran	2.5		Cote d'Ivoire	2.1
	Libya	2.5		Ecuador	2.1
	Nepal	2.5		Kazakhstan	2.1
	Philippines	2.5		Kenya	2.1
	Yemen	2.5		Kyrgyzstan	2.1
138	Cameroon	2.4		Liberia	2.1
	Ethiopia	2.4		Sierra-Leone	2.1
	Pakistan	2.4		Tajikistan	2.1
	Paraguay	2.4		Zimbabwe	2.1
	Syria	2.4	162	Bangladesh	2.0
143	Gambia	2.3		Cambodia	2.0

Country rank	Country	2007 CPI Score	Country rank	Country	2007 CPI Score
	Central African Republic	2.0		Chad	1.8
	Papua New Guinea	2.0		Sudan	1.8
	Turkmenistan	2.0	175	Tonga	1.7
	Venezuela	2.0		Uzbekistan	1.7
168	Congo, Democratic Republic of	1.9	177	Haiti	1.6
	Equatorial Guinea	1.9	178	Iraq	1.5
	Guinea	1.9	179	Myanmar	1.4
	Laos	1.9		Somalia	1.4
172	Afghanistan	1.8			

**Organisation-wise details of Punishments imposed during 2006 in
respect of cases where Commission's advice was obtained**

S. No.	Name of the Department / Organisation	Prose- cution	Major Penalty	Minor Penalty	Admn. Action
1.	Airports Authority of India	20	4	1	-
2.	Allahabad Bank	5	6	6	11
3.	Andaman & Nicobar Admn.	-	-	2	-
4.	Andhra Bank	-	2	3	-
5.	Andrew Yule & Co. Ltd.	-	4	-	-
6.	Bank of Baroda	-	11	10	-
7.	Bank of India	-	4	17	3
8.	Bank of Maharashtra	-	20	9	1
9.	Bharat Coking Coat Ltd,	-	3	8	-
10.	Bharat Dynamics Ltd.	-	2	-	-
11.	Bharat Heavy Electricals Ltd.	-	3	2	-
12.	Bharat Sanchar Nigam Ltd.	11	72	22	6
13.	Border Roads Development Board	-	1	1	-
14.	Bureau of Indian Standards	-	6	11	8
15.	Canara Bank	-	9	8	-
16.	Cement Corp. of India Ltd.	-	-	2	-
17.	Central Bank	-	22	3	4
18.	Central Board of Direct Taxes	14	6	8	-
19.	Central Board of Excise & Customs	18	47	52	-
20.	Central Bureau of Investigation	2	1	-	-

21.	Central Industrial Security Force	-	1	3	-
22.	Central Public Works Department	3	10	19	12
23.	Central Reserve Police	-	3	1	-
24.	Central Warehousing Corp.	-	1	1	-
25.	Chandigarh Admn.	1	1	2	-
26.	Coat India Ltd,	-	-	4	-
27.	Controller General of Defence Accounts	-	2	-	-
28.	Corporation Bank	1	12	15	10
29.	Council of Scientific & Industrial Research	-	4	2	-
30.	D/o Animal Husbandry & Dairying	-	-	2	-
31.	D/o Atomic Energy	-	1	-	-
32.	D/o AYUSH	-	1	-	1
33.	D/o Chemicals & Petrochemicals	.	-	3	-
34.	D/o Coal	-	4	1	-
35.	D/o Commerce	-	-	1	-
36.	D/o Company Affairs	-	1	-	-
37.	D/o Culture	-	1	3	-
38.	D/o Defence Production & Supplies	-	9	-	-
39.	D/o Fertilizers	-	-	3	-
40.	D/o Food & Public Distribution	-	1	-	1
41.	D c Health	1	1	1	2

42.	Do Heavy Industries	-	1	-	-
43.	3 o Mines	-	1	-	-
44.	D/o Posts	-	4	4	-
45.	D/o Revenue	-	-	1	-
46.	D/o Science & Industrial Research	-	1	-	-
47.	D/o Space	-	-	1	-
48.	D/o Steel	-	-	1	1
49.	D/o Telecom	2	19	27	1
50.	Delhi Development Authority	-	47	85	13
51.	Delhi Jal Board	-	18	2	1
52.	Delhi State Industrial Development Corp.	-	-	5	1
53.	Delhi Transco Ltd./Indraprastha Power Generation Co. Ltd.	-	1	3	-
54.	Dena Bank	-	2	-	-
55.	Dredging Corp. of India Ltd.	-	1	3	-
56.	Eastern Coalfields Ltd.	-	4	-	-
57.	Employees Provident Fund Organisation	2	2	3	2
58.	Employees State insurance Corp.	-	4	1	-
59.	Food Corp. of india	-	1	10	3
60.	Gas Authority of India Ltd.	-	-	3	-
61.	Govt. of NCT of Delhi	2	13	11	1
62.	Hindustan Aeronautics Ltd.	-	-	1	-

63.	Hindustan Paper Core.	-	-	1	-
64.	Hindustan Petroleum Corp. Ltd.	1	1	-	-
65.	HUDCO	1	-	-	-
66.	IBP Balmer Lawried Group of Companies	-	5	-	1
67.	India Tourism Development Corp.	-	-	1	-
68.	Indian Bank	1	53	25	2
69.	Indian Council of Agricultural Research	-	2	3	2
70.	Indian Oil Corp. Ltd.	-	-	1	-
71.	Indian Overseas Bank	-	71	19	-
72.	Indira Gandhi National Open University	-	1	1	3
73.	Industrial Development Bank of India	-	-	4	-
74.	Industrial Investment Bank of India	-	-	1	-
75.	Inland Waterways Authority of india	1	-	-	-
76.	Intelligence Bureau	-	1	-	-
77.	IRCON	-	-	-	2
78.	Kendriya Bhandar	-	-	2	-
79.	Kendriya Vidyalaya Samiti	-	10	-	-
80.	Khadi & Village Industries Commission	-	-	1	-
81.	Life Insurance Corp. of India	-	1	4	2

82.	M/o Commerce	-	-	1	-
83.	M/o Defence	5	8	12	-
84.	M/o Environment & Forests	4	1	1	-
85.	M/o External Affairs	-	1	-	-
86.	M/o Home Affairs	7	2	2	-
87.	M/o Information & Broadcasting	8	4	7	-
88.	M/o Labour	1	2	-	1
89.	M/o Personnel, PG & Pensions	5	4	-	-
90.	M/o Power	-	-	3	-
91.	M/o Railways	17	139	225	178
92.	M/o Social Justice & Empowerment	-	2	-	-
93.	M/o Textiles	-	2	-	-
94.	M/o Urban Development & Poverty Alleviation		22	13	11
95.	M/o Water Resources	-	-	-	1
96.	Mahanagar Telephone Nigam Ltd.	-	7	4	2
97.	Mazagon Dock Ltd.	-	-	5	-
98.	Minerals & Metals Trading Corp.	-	4	3	-
99.	Mishra Dhatu Nigam Ltd.	-	-	1	-
100.	Mumbai Port Trust	-	1	1	-
101.	Municipal Corp. of Delhi	2	41	20	2
102.	National Consumer Cooperative Federation	-	-	6	-

103.	National Highways Authority of India	-	-	1	-
104.	National Hydro Electric Power Corp. Ltd.	-	-	5	-
105.	National Insurance Co. Ltd.	-	38	12	2
106.	National Seeds Corp.	2	-	-	-
107.	National Small Industries Corp. Ltd.	-	1	1	-
108.	National Thermal Power Corp.	-	1	8	-
109.	Nehru Yuva Kendra	1	-	-	-
110.	New Delhi Municipal Council	1	-	-	-
111.	New India Assurance Co. Ltd.	-	6	14	4
112.	North Eastern Electric Power Corp.	1	-	-	-
113.	Oil & Natural Gas Corp. Ltd.	-	9	15	1
114.	Oriental Bank of Commerce	3	10	1	-
115.	Oriental Insurance Co. Ltd.	-	21	13	2
116.	Post Graduate Instt. of Medical Education & Research	1	-	-	-
117.	Power Grid Corp. of India Ltd.	-	-	-	3
118.	Punjab & Sind Bank	-	4	5	1
119.	Punjab National Bank	-	13	12	-
120.	Rashtriya Chemicals & Fertilizers Ltd.	2	-	-	-
121.	Sasstra Seema Bal	-	2	-	-
122.	Small Industries Development Bank	-	1	-	-

	of India				
123.	South Eastern Coalfields Ltd.	-	4	2	2
124.	State Bank of Bikaner & Jaipur	-	2	1	-
125.	State Bank of Hyderabad	-	1	4	2
126.	State Bank of India	-	61	28	11
127.	State Bank of Indore	-	2	-	1
128.	State Bank of Mysore	-	3	1	-
129.	State Bank of Patiala	1	1	1	-
130.	State Bank of Saurashtra	-	3	1	-
131.	State Bank of Travancore	-	3	1	-
132.	State Farms Corp.	-	1	-	-
133.	State Trading Corp. of India	-	1	-	-
134.	Steel Authority of India Ltd.	-	2	4	-
135.	Syndicate Bank	-	12	8	-
136.	UCO Bank	-	13	6	4
137.	Union Bank	-	14	18	7
138.	Unit Trust of India	-	1	-	-
139.	United India Insurance Co. Ltd.	3	13	7	-
140.	Vijaya Bank	-	1	11	3
141.	Western Coalfields Ltd.	-	-	2	-
	Total	150	1024	936	332